

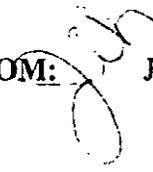
COMMONWEALTH OF PENNSYLVANIA

DATE: November 18, 2003

SUBJECT: I-00030099

DOCKETED
NOV 24 2003

TO: Office of Administrative Law Judge

FROM:  James J. McNulty, Secretary

DOCUMENT

Investigation into the Obligations of Incumbent Local Exchange Carriers to Unbundle Network
Elements

Attached are copies of Petitions to Intervene filed in connection with the
above docketed proceeding by the following:

Choice One Communications of Pennsylvania, Inc.

Focal Communications Corporation of Pennsylvania

SNiP LiNK LLC

This matter is assigned to your Office for appropriate action.

Attachment

cc: FUS
LAW

jih

DATE: November 18, 2003

SUBJECT: I-00030099

DOCKETED
NOV 24 2003

TO: Office of Administrative Law Judge

FROM:  James J. McNulty, Secretary

DOCUMENT

Investigation into the Obligations of Incumbent Local Exchange Carriers to Unbundled Network Elements

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Z-Tel Communications, Inc.
Cavalier Telephone Mid-Atlantic, LLC
Broadview Networks, Inc.
XO Pennsylvania, Inc.
CTSI, LLC
Pennsylvania Carrier's Coalition
Penn Telecom
Lightship Telecom, LLC
Allegiance Telecom of Pennsylvania, Inc.
Broadview Networks, Inc "ET AL"

This matter is assigned to your Office for appropriate action.

Attachment

cc: FUS
LAW

jih

COMMONWEALTH OF PENNSYLVANIA

DATE: November 18, 2003

SUBJECT: I-00030099

TO: Office of Administrative Law Judge

FROM:  James J. McNulty, Secretary

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NOV 24 2003
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LAW

jih

DATE: November 18, 2003

SUBJECT: I-00030099

DOCKETED
NOV 20 2003

TO: Office of Administrative Law Judge

FROM:  James J. McNulty, Secretary

DOCUMENT

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CTSI, LLC
Pennsylvania Carrier's Coalition
Penn Telecom
Lightship Telecom, LLC
Allegiance Telecom of Pennsylvania, Inc.
Broadview Networks, Inc "ET AL"

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Attachment

cc: FUS
LAW

jih

DATE: November 18, 2003

DOCKETED
NOV 20 2003

SUBJECT: I-00030099

TO: Office of Administrative Law Judge

DOCUMENT

FROM: *JJM* James J. McNulty, Secretary

Investigation into the Obligations of Incumbent Local Exchange Carriers to Unbundled Network Elements

Attached are copies of Petitions to Intervene filed in connection with the above docketed proceeding by the following:

Z-Tel Communications, Inc.
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Broadview Networks, Inc.
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CTSI, LLC
Pennsylvania Carrier's Coalition
Penn Telecom
Lightship Telecom, LLC
Allegiance Telecom of Pennsylvania, Inc.
Broadview Networks, Inc "ET AL"

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Attachment

cc: FUS
LAW

jih

DATE: November 18, 2003

SUBJECT: I-00030099

TO: Office of Administrative Law Judge

FROM: *Jih* James J. McNulty, Secretary

DOCKETED
NOV 20 2003

DOCUMENT

Investigation into the Obligations of Incumbent Local Exchange Carriers to Unbundled Network Elements

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Broadview Networks, Inc.
XO Pennsylvania, Inc.
CTSI, LLC
Pennsylvania Carrier's Coalition
Penn Telecom
Lightship Telecom, LLC
Allegiance Telecom of Pennsylvania, Inc.
Broadview Networks, Inc "ET AL"

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Attachment

cc: FUS
LAW

jih

DATE: November 18, 2003

SUBJECT: I-00030099

DOCKETED
NOV 20 2003

TO: Office of Administrative Law Judge

FROM:  James J. McNulty, Secretary

DOCUMENT

Investigation into the Obligations of Incumbent Local Exchange Carriers to Unbundled Network Elements

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CTSI, LLC
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Penn Telecom
Lightship Telecom, LLC
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LAW

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DATE: November 18, 2003

SUBJECT: I-00030099

TO: Office of Administrative Law Judge

FROM:  James J. McNulty, Secretary

DOCKETED

NOV 20 2003

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Penn Telecom
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jih

DATE: November 18, 2003

SUBJECT: I-00030099

TO: Office of Administrative Law Judge

FROM: *JJM* James J. McNulty, Secretary

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NOV 20 2003

DOCUMENT

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Penn Telecom
Lightship Telecom, LLC
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Broadview Networks, Inc "ET AL"

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Attachment

cc: FUS
LAW

jih

DATE: November 18, 2003

DOCKETED
NOV 20 2003

SUBJECT: I-00030099

TO: Office of Administrative Law Judge

DOCUMENT

FROM:  James J. McNulty, Secretary

Investigation into the Obligations of Incumbent Local Exchange Carriers to Unbundled Network Elements

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CTSI, LLC
Pennsylvania Carrier's Coalition
Penn Telecom
Lightship Telecom, LLC
Allegiance Telecom of Pennsylvania, Inc.
Broadview Networks, Inc "ET AL"

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Attachment

cc: FUS
LAW

jih

DATE: November 18, 2003

SUBJECT: I-00030099

TO: Office of Administrative Law Judge

FROM:  James J. McNulty, Secretary

DOCKETED

NOV 20 2003

DOCUMENT

Investigation into the Obligations of Incumbent Local Exchange Carriers to Unbundled Network Elements

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Broadview Networks, Inc.
XO Pennsylvania, Inc.
CTSI, LLC
Pennsylvania Carrier's Coalition
Penn Telecom
Lightship Telecom, LLC
Allegiance Telecom of Pennsylvania, Inc.
Broadview Networks, Inc "ET AL"

This matter is assigned to your Office for appropriate action.

Attachment

cc: FUS
LAW

jih

DATE: November 18, 2003

SUBJECT: I-00030099

DOCKETED
NOV 20 2003

TO: Office of Administrative Law Judge

FROM:  James J. McNulty, Secretary

DOCUMENT

Investigation into the Obligations of Incumbent Local Exchange Carriers to Unbundled Network Elements

Attached are copies of Petitions to Intervene filed in connection with the above docketed proceeding by the following:

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Broadview Networks, Inc.
XO Pennsylvania, Inc.
CTSI, LLC
Pennsylvania Carrier's Coalition
Penn Telecom
Lightship Telecom, LLC
Allegiance Telecom of Pennsylvania, Inc.
Broadview Networks, Inc "ET AL"

This matter is assigned to your Office for appropriate action.

Attachment

cc: FUS
LAW

jih

ORIGINAL



DOCUMENT

November 20, 2003

RECEIVED

Via Overnight Delivery

NOV 20 2003

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Re: Investigation into the Obligations of Incumbent Local Exchange
Carriers to Unbundle Network Elements, Docket No. I-00030099

Development of an Efficient Loop Migration Process,
Docket No. M00031754

Investigation into the Obligation of Incumbent Local Exchange
Carriers to Unbundle Local Circuit Switching for the Enterprise
Market, Docket No. I-00030100

Dear Mr. McNulty:

Please find enclosed four (4) copies of each Confidentiality Agreement signed on behalf
of MCI WorldCom Network Services, Inc. in the above-referenced cases.

Please contact me if you have any questions or concerns with this matter.

Very truly yours,


Michelle Painter

cc: Certificates of Service
Honorable Michael C. Schnierle

Enclosures

APPENDIX A-2
PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg PA 17105-3265

DOCKETED

NOV 25 2003

I-00030099

FF.

RECEIVED

Docket No. X-00031754

NOV 20 2003

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Investigation into the Obligations of
Incumbent Local Exchange Carriers to
Unbundle Network Elements

CONFIDENTIALITY AGREEMENT

TO WHOM IT MAY CONCERN:

The undersigned is the employee of MCI (retaining party) and is not, or has no knowledge or basis for believing that he/she is: (1) an officer, board member, stockholder, partner or owner other than stock of any competitor of _____ (producing party) or an employee of any competitor of the producing party who is primarily involved in the pricing, development, and/or marketing of products or services that are offered in competition with those of the producing party; or (2) an officer, board member, stockholder, partner, or owner than stock of any affiliate of a competitor of the producing party. (See ¶5 of Protective Order).

DOCUMENT

The undersigned has read the Protective Order and understands that it and this Confidentiality Agreement deal with the treatment of Proprietary Information and Highly Confidential Proprietary Information. The undersigned agrees to be bound by, and to comply with, the terms and conditions of said Protective Order as a condition of access to the Proprietary Information and Highly Confidential Proprietary Information. Further, the undersigned, if an independent expert, represents that he/she has complied with the provisions of ordering paragraph number 5(a)(ii) of the Protective Order prior to executing this Confidentiality Agreement.

DATE: _____

Carl D. Giesy
Signature

CARL D GIESY
Print Name

Regional Director
Status relative to Retaining Party

MCI
Employer

1133 19th STREET
Address

Washington, DC 20036

APPENDIX A-2
PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg PA 17105-3265

4 I-00030099

Investigation into the Obligations of
Incumbent Local Exchange Carriers to
Unbundle Network Elements

Docket No. X-00031734

DOCKETED

NOV 25 2003

CONFIDENTIALITY AGREEMENT

TO WHOM IT MAY CONCERN:

The undersigned is the SENIOR ATTORNEY of
MCI (retaining party) and is not, or has no knowledge or basis
for believing that he/she is: (1) an officer, board member, stockholder, partner or owner other
than stock of any competitor of VERIZON (producing party) or an
employee of any competitor of the producing party who is primarily involved in the pricing,
development, and/or marketing of products or services that are offered in competition with those
of the producing party; or (2) an officer, board member, stockholder, partner, or owner than
stock of any affiliate of a competitor of the producing party. (See ¶5 of Protective Order).

The undersigned has read the Protective Order and understands that it and this
Confidentiality Agreement deal with the treatment of Proprietary Information and Highly
Confidential Proprietary Information. The undersigned agrees to be bound by, and to comply
with, the terms and conditions of said Protective Order as a condition of access to the Proprietary
Information and Highly Confidential Proprietary Information. Further, the undersigned, if an
independent expert, represents that he/she has complied with the provisions of ordering
paragraph number 5(a)(ii) of the Protective Order prior to executing this Confidentiality
Agreement.

DATE: 11/3/03

[Signature]
Signature

KAWILD
Print Name

SENIOR ATTORNEY
Status relative to Retaining Party

MCI
Employer

1133 19th St., WASH. DC 20006
Address

DOCUMENT

APPENDIX A-2
PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg PA 17105-3265

Investigation into the Obligations of
Incumbent Local Exchange Carriers to
Unbundle Network Elements

Docket No. ~~X~~-00031754

I-00030099

DOCKETED

NOV 25 2003

CONFIDENTIALITY AGREEMENT

TO WHOM IT MAY CONCERN:

The undersigned is the employee of MCI (retaining party) and is not, or has no knowledge or basis for believing that he/she is: (1) an officer, board member, stockholder, partner or owner other than stock of any competitor of _____ (producing party) or an employee of any competitor of the producing party who is primarily involved in the pricing, development, and/or marketing of products or services that are offered in competition with those of the producing party; or (2) an officer, board member, stockholder, partner, or owner than stock of any affiliate of a competitor of the producing party. (See ¶5 of Protective Order).

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DATE: 10.31.03

Sherry Lichtenberg
Signature

Sherry Lichtenberg
Print Name

employee
Status relative to Retaining Party

MCI
Employer

1133 19th ST. N.W.
Address
WASHINGTON, DC 20036

DOCUMENT

APPENDIX A-2
PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg PA 17105-3265

Investigation into the Obligations of
Incumbent Local Exchange Carriers to
Unbundle Network Elements

#-I-00030099
Docket No. X-00031754

DOCKETED
NOV 25 2003

CONFIDENTIALITY AGREEMENT

TO WHOM IT MAY CONCERN:

The undersigned is the CONSULTANT of MCE (retaining party) and is not, or has no knowledge or basis for believing that he/she is: (1) an officer, board member, stockholder, partner or owner other than stock of any competitor of _____ (producing party) or an employee of any competitor of the producing party who is primarily involved in the pricing, development, and/or marketing of products or services that are offered in competition with those of the producing party; or (2) an officer, board member, stockholder, partner, or owner than stock of any affiliate of a competitor of the producing party. (See ¶5 of Protective Order).

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DATE: 10/3/03

Earle Jenkins
Signature

EARLE JENKINS
Print Name

CONSULTANT
Status relative to Retaining Party

SHS CONSULTING
Employer

P O B 192
Address

HOLDENESS, NH
03245

DOCUMENT

APPENDIX A-2
PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg PA 17105-3265

I-00030099

Investigation into the Obligations of
Incumbent Local Exchange Carriers to
Unbundle Network Elements

Docket No. X-00031754

DOCKETED
NOV 25 2003

CONFIDENTIALITY AGREEMENT

TO WHOM IT MAY CONCERN:

The undersigned is the independent expert of
MCI (retaining party) and is not, or has no knowledge or basis
for believing that he/she is: (1) an officer, board member, stockholder, partner or owner other
than stock of any competitor of _____ (producing party) or an
employee of any competitor of the producing party who is primarily involved in the pricing,
development, and/or marketing of products or services that are offered in competition with those
of the producing party; or (2) an officer, board member, stockholder, partner, or owner than
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independent expert, represents that he/she has complied with the provisions of ordering
paragraph number 5(a)(ii) of the Protective Order prior to executing this Confidentiality
Agreement.

DATE: Nov 10 2003

Michael D. Pelcovits
Signature
Michael D. Pelcovits
Print Name
expert
Status relative to Retaining Party
MICRA
Employer
1155 Connecticut Ave NW
Address Wash DC.

DOCUMENT

APPENDIX A-2
PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg PA 17105-3265

I-00030099

Docket No. X-00031754

Investigation into the Obligations of
Incumbent Local Exchange Carriers to
Unbundle Network Elements

DOCKETED

NOV 25 2003

CONFIDENTIALITY AGREEMENT

TO WHOM IT MAY CONCERN:

The undersigned is the employee of MA (retaining party) and is not, or has no knowledge or basis for believing that he/she is: (1) an officer, board member, stockholder, partner or owner other than stock of any competitor of _____ (producing party) or an employee of any competitor of the producing party who is primarily involved in the pricing, development, and/or marketing of products or services that are offered in competition with those of the producing party; or (2) an officer, board member, stockholder, partner, or owner than stock of any affiliate of a competitor of the producing party. (See ¶5 of Protective Order).

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DATE: 11/18/03

Mindy Chapman
Signature
Mindy Chapman
Print Name

Status relative to Retaining Party

EMP
Employer

707 NASH SUIK 4200
Address
Denver CO 80202

DOCUMENT

SERVICE LIST

ORIGINAL

I hereby certify that I have this day caused a true copy of MCI's Confidentiality Agreements to be served upon the parties of record in Docket Nos. I-00030099, I-00030100, M-00031754 in accordance with the requirements of 52 Pa. Code Sections 1.52 and 1.54 in the manner and upon the parties listed below.

Dated in Washington, DC on November 20, 2003

VIA FIRST CLASS MAIL

RECEIVED

NOV 20 2003

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Patricia Armstrong
Thomas, Thomas, Armstrong & Niesen
212 Locust Street, Suite 500
Harrisburg, PA 17108
Phone – 717-255-7600

Julia Conover
Verizon
1717 Arch Street, 32N
Philadelphia, PA 19103
Phone – 717-963-6001

Kandace F. Melillo
Pennsylvania Public Utility Commission
Office of Trial Staff – 2nd Floor
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
Phone – 717-783-6155

Angela Jones
Office of Small Business Advocate
Suite 1102, Commerce Building
300 North Second Street
Harrisburg, PA 17101
Phone – 717-783-2525

Alan Kohler
Wolf Block Schorr and Solis-Cohen
212 Locust Street, Suite 300
Harrisburg, PA 17108
Phone – 717-237-7172

Robert C. Barber
AT&T
3033 Chain Bridge Road
Oakton, VA 22185
Phone – 703-691-6061

Phil McClelland
Office of Consumer Advocate
555 Walnut Street, 5th Floor
Harrisburg, PA 17101
Phone – 717-783-5048

John F. Povilaitis
Ryan, Russell, Ogden & Seltzer
800 North Third Street, Suite 101
Harrisburg, PA 17102
Phone – 717-236-7714

Linda Smith
Dilworth Paxson LLP
305 North Front St, Suite 403
Harrisburg, PA 17101
Phone – 717-236-6248

Richard U. Stubbs
Cavalier Telephone Mid-Atlantic, LLC
965 Thomas Drive
Warminster, PA 18974
(267)803-4002

Charis Burak
McNees, Wallace & Nurick
100 Pine Street
Harrisburg, PA 17108
Phone – 717 237 5437

Norman Kennard
Hawke McKeon Sniscak & Kennard
100 North Tenth St
Harrisburg, PA 17101

Philip Macres
Swidler Berlin Shereff Friedmann
3000 K Street, NW
Washington, DC 20007
202-945-6915

Sue Benedek
Sprint/United
204 North Third St, Suite 201
Harrisburg, PA 17101
Phone – 717-245-6346

Ross Buntrock
Kelley Drye & Warren
1200 19th Street, NW, Suite 500
Washington, DC 20036


Michelle Painter
Michelle Painter

ORIGINAL

1110 N. Mountain Road
Harrisburg, PA 17112
Telephone: 717-541-1194

ANDERSON, GULOTTA & HICKS, P.C.

fax: 717-541-5434

200 North Fifth Street
Camden, NJ 08102
Telephone: 1-800-330-1458

November 21, 2003

James J. McNulty, Secretary
Commonwealth of Pennsylvania
Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

DOCUMENT

RECEIVED
03 NOV 24 AM 9:43
PENNSYLVANIA
PUBLIC
UTILITY
COMMISSION
SECRETARY'S BUREAU

RE: Confidentiality Agreements
Docket No. I-00030099

Dear Mr. McNulty:

Pursuant to the Protective Order in the above-captioned matter, enclosed please find for filing a copy of executed Confidentiality Agreements identifying Penn Telecom as the "retaining party" and Verizon Pennsylvania, Inc. as the "producing party."

Should you have any questions, please do not hesitate to contact me at (717) 541-1194.

Renardo L. Hicks

FOR: Penn Telecom
Renardo L. Hicks, Esquire
Anderson, Gulotta & Hicks, PC
1110 N. Mountain Road
Harrisburg, PA 17112
Tel.: (717) 541-1194
Fax: (717) 541-5434
rhicks@aghweb.com

204

APPENDIX A-2
PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg PA 17105-3265

Investigation into the Obligations of
Incumbent Local Exchange Carriers to
Unbundle Network Elements

Docket No. ^{AA} ~~A-00031754~~

I-00030099

DOCKETED

JAN 07 2004

CONFIDENTIALITY AGREEMENT

TO WHOM IT MAY CONCERN:

The undersigned is the ATTORNEY of
PENN TELECOM (retaining party) and is not, or has no knowledge or basis
for believing that he/she is: (1) an officer, board member, stockholder, partner or owner other
than stock of any competitor of VERIZON PA, INC. (producing party) or an
employee of any competitor of the producing party who is primarily involved in the pricing,
development, and/or marketing of products or services that are offered in competition with those
of the producing party; or (2) an officer, board member, stockholder, partner, or owner than
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independent expert, represents that he/she has complied with the provisions of ordering
paragraph number 5(a)(ii) of the Protective Order prior to executing this Confidentiality
Agreement.

DATE: 11/21/2003

DOCUMENT

Renardo L Hicks
Signature
RENARDO L. HICKS
Print Name
ATTORNEY
Status relative to Retaining Party
ANDERSON, GLOTTA + HICKS, P.C.
Employer
110 N. MOUNTAIN RD
Address
H36 PA 17112

SECRETARY'S BUREAU

NOV 24 AM 9:43

CONFIDENTIAL



Robert C. Barber
Senior Attorney

Room 3D
3033 Chain Bridge Road
Oakton, VA 22185
703 691-6061
FAX 703 691-6093
EMAIL rbarber@att.com

November 21, 2003

RECEIVED

VIA ELECTRONIC AND OVERNIGHT MAIL

NOV 21 2003

Suzan D. Paiva, Esq.
Bell Atlantic-Pennsylvania, Inc.
1717 Arch Street, 32N
Philadelphia, PA 19103

DOCUMENT PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

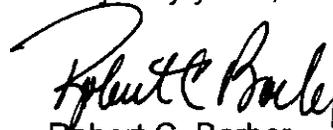
Re: Investigation into Obligations of Incumbent Local Exchange
Carriers to Unbundle Network Elements
Docket No. I-00030099

Dear Suzan:

Please find enclosed AT&T Communications of Pennsylvania, LLC.'s
First Set of Data Requests directed to Verizon Pennsylvania Inc. in the
above-captioned matter.

Please do not hesitate to contact me with any questions regarding
these requests.

Very truly yours,


Robert C. Barber

Enclosures

cc: The Honorable Michael Schnierle (w/o enclosures)
The Honorable Susan Colwell (w/o enclosures)
Secretary McNulty (w/o enclosures)
Service List (w/ enclosures)

Certificate of Service
Docket No. I-00030099

The undersigned hereby certifies that true and correct copies of AT&T Communications of Pennsylvania, LLC.'s First Set of Data Requests to Verizon Pennsylvania, Inc. were caused to be served on the persons named below by overnight or first class mail in accordance with the requirements of 52 Pa. Code §§1.52 and 1.54:

Patricia Armstrong, Esq.
Thomas, Thomas, Armstrong & Niesen
PO Box 9500
Harrisburg, PA 17108

Michelle Painter, Esq.
MCI
1133 19th Street, NW
Washington, DC 20036

Philip F. McClelland
Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923

DOCKETED
NOV 25 2003

Zsuzsanna E. Benedek
Sprint
1201 Walnut Bottom Road
Carlisle, PA 17013-0905

Alan Kohler
Daniel Clearfield
Wolf Block Schorr & Solis-Cohen
Locust Court, Suite 300
212 Locust Street
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Washington, DC 20007

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Kelley Drye & Warren LLP
1200 19th Street N.W.
Suite 500
Washington, DC 20036


Robert C. Barbee **RECEIVED**

Dated: November 21, 2003

* By Overnight mail

NOV 21 2003

Schnierle, Michael

From: Schnierle, Michael
Sent: Friday, November 21, 2003 9:31 AM
To: 'Alan C. Kohler'; Barber,Robert C (Bob) - LGCRP; Schnierle, Michael; Colwell, Susan
Cc: suzan.d.paiva@verizon.com; Benedek, Zsuzsanna E [CC]; Michelle Painter; Melillo, Kandace; Jones, Angela; PHILIP F. MCCLELLAND (E-mail); Philip Macres; Withers, Darius B.; Rick Stubbs; Augustino, Steven A.; Ross Buntrock
Subject: RE: Docket No. I-00030099 -- Verizon refusal to produce a complete copy of its October 31, 2003 filing

Importance: High

DOCKETED
JAN 07 2004

PLEASE DOCKET



Michael C. Schnierle (msch)

I am interpreting these claims as a motion for an order. Verizon is directed to answer this motion no later than 5:00 pm on Monday November 24, 2003. Verizon's answer shall identify the CLECs whose proprietary information Verizon purports to be protecting. In its answer to the motion, Verizon need not connect those names to either their collocation locations or the number codes used by Verizon in its filing to disguise the identity of those CLECs.

Verizon shall also explain why it believes that the information that it is withholding is proprietary to the presently unidentified CLECs.

This matter will be decided at or before the prehearing conference scheduled for November 25, 2003.

A printed copy of this email is being filed in the Document Folder of this case.

Michael C. Schnierle
Administrative Law Judge

DOCUMENT

> -----Original Message-----
> From: Alan C. Kohler [mailto:akohler@WOLFBLOCK.com]
> Sent: Friday, November 21, 2003 8:48 AM
> To: Barber,Robert C (Bob) - LGCRP; ALJ Schnierle; Colwell, Susan
> Cc: suzan.d.paiva@verizon.com; Benedek, Zsuzsanna E [CC];
> Michelle Painter; Melillo, Kandace; Jones, Angela; PHILIP F.
> MCCLELLAND (E-mail); Philip Macres; Withers, Darius B.; Rick
> Stubbs; Augustino, Steven A.; Ross Buntrock
> Subject: RE: Docket No. I-00030099 -- Verizon refusal to
> produce a complete copy of its October 31, 2003 filing

> Good Morning Your Honors:

> The PCC strongly concurs in Mr. Barber's claims. As with
> AT&T, PCC representatives have executed (and filed and served)
> a confidentiality agreement, yet, to date, I have received
> nothing but the public version of the Verizon's filing. We
> are now over six weeks into the case and we do not have the
> core of their original case, without which even thinking
> about a meaningful response (or for that matter efficient
> discovery) is impossible. Even when this situation is
> finally resolved, it is clear to us that the future schedule
> will have to accommodate this unfortunate and indefensible
> obstruction of the process on Verizon's part.

> -----Original Message-----

SECRETARY'S BUREAU

03 NOV 24 PM 1:23

> From: Barber, Robert C (Bob) - LGCRP [mailto:rcbarber@att.com]
> Sent: Thursday, November 20, 2003 6:26 PM
> To: ALJ Schnierle; Colwell, Susan
> Cc: suzan.d.paiva@verizon.com; Benedek, Zsuzsanna E [CC];
> Michelle Painter; Alan C. Kohler; Melillo, Kandace; Jones,
> Angela; PHILIP F. MCCLELLAND (E-mail); Philip Macres;
> Withers, Darius B.; Rick Stubbs; Augustino, Steven A.; Ross Buntrock
> Subject: Docket No. I-00030099 -- Verizon refusal to produce
> a complete copy of its October 31, 2003 filing

>
>
> ALJ Schnierle
> ALJ Colwell

> Your Honors:

>
> I wanted to provide you with advance notice of an issue we
> will need resolved expeditiously in order to move this case
> forward under the extreme time limits which the Commission's
> Procedural Order has imposed on the parties.

>
> Verizon filed its Petition to Initiate this Proceeding under
> the TRO on October 31, 2003. At that time, Verizon
> apparently provided a complete copy of its filing to the
> Commission. However, the CLEC parties, including AT&T, that
> had been designated in the Commission's October 2, 2003
> Procedural Order as recipients of any Verizon filing (see Paras.
> 3(b) and 4 of that Order) were only provided with a "public
> version" of the filing. After discussion with counsel for
> Verizon, AT&T was ultimately provided a version of that
> filing that identified its allegedly proprietary information.
> Verizon, however, continued to withhold information
> concerning other CLECs, and specifically those that Verizon
> had identified as trigger CLECs, without explanation.

>
> On November 10, 2003, counsel for AT&T sent an electronic
> message to counsel for Verizon requesting a complete copy of
> Verizon's October 31 filing, including all 3rd party data.
> Verizon did not respond that that request. AT&T sent another
> request for that information on November 19. Apparently
> counsel for Sprint also requested that information. In an
> e-mail received late today (November 20), Verizon for the
> first time indicated that it would not provide the
> information absent a Commission Order. The full text of that
> response follows this message.

>
> Verizon's refusal to provide a complete copy of its October
> 31 filing, including all 3rd party proprietary information
> (and most importantly, the identity of the alleged trigger
> CLECs) is adversely affecting the CLECs' ability to respond
> to Verizon's claims, especially in view of the time
> limitations we have for proceeding with this litigation.
> Fundamentally, this is a violation of our due process rights.
> Verizon has submitted a document to the Commission which
> purports to eliminate the CLECs' ability to obtain certain
> elements from Verizon. Yet, in doing so, it is refusing to
> disclose information to those same CLECs that it has
> submitted to the Commission and which we need to fully
> respond to its claims.

>
> Verizon's restricted reading of the proprietary agreement
> entered by the Commission on October 2 is also untenable.
> Presumably it is this same proprietary agreement that is
> protecting the "3rd party" CLECs from Verizon's use (or
> misuse) of their data in its filing. If that is the case,
> the order clearly permits that data to be disclosed to those
> CLECs, like AT&T, who have executed the protective agreement.

>
> Given the fact that Verizon felt free to include this data
> in its submission, it should not be the responsibility of the
> CLECs to have to track down other CLECs to obtain permission
> for its release. That was assumed in Verizon's use of the
> data. In any event, I'm not sure how we would go about
> making those inquiries since, as Verizon acknowledges in its
> message, Verizon's pleading identified the CLECs by number,
> and even then apparently some of those CLECs are not parties
> to this case.
>
> Because of the urgency of this situation, we need to have
> this issue resolved as soon as possible. It is already three
> weeks since Verizon's filing, and Verizon is only now
> providing an explanation for its refusal to disclose the
> information in its filing. It is worth noting that even that
> explanation followed a decision by a hearing examiner in
> Maryland earlier today requiring Verizon to provide this same
> information in Maryland. A copy of that Order is attached.
> Verizon should do the same immediately in Pennsylvania.
>
> Please do not hesitate to contact me with any questions
> regarding this issue.
>
> Robert C. Barber
> AT&T Communications of Pennsylvania, LLC
> 703-691-6061
>
>
> -----Original Message-----
> From: suzan.d.paiva@verizon.com [mailto:suzan.d.paiva@verizon.com]
> Sent: Thursday, November 20, 2003 4:52 PM
> To: Barber, Robert C (Bob) - LGCRP; sue.e.benedek@mail.sprint.com
> Cc: julia.a.conover@verizon.com;
> stephen.l.bachman@verizon.com; william.b.petersen@verizon.com
> Subject: Re: MD TRO: Case No. 8983 -- Discovery Ruling
>
>
>
> Bob and Sue,
>
> I am responding to each of your messages requesting us to
> produce certain Third Party Proprietary material.
>
> The Third Party Proprietary material that you are requesting
> is a list containing the identity of the CLECs collocated in
> many of our central
> offices and the specific locations of their collocations. Our
> understanding is that the CLECs consider this information to
> be proprietary to them because they do not want their
> competitors (i.e., other CLECs) to see where they have
> collocated. We have produced this material to you and the
> other parties, but we have assigned each CLEC a random number
> rather than disclosing its name. We have been providing each
> CLEC with its own number upon request. The Commission has
> the version of the document containing all the names.
>
> The reason we have not divulged the actual identity of the
> collocated CLECs and the location of their collocations to
> the other parties is that we do not read the Protective Order
> to specifically authorize us to disclose CLEC proprietary
> information, but simply to provide for a means to protect
> proprietary information if we are able to disclose it. In fact, some
> of
> the CLECs involved are not even parties to this case.
>
> If you were to seek a Commission order requiring production

Recipient

Benedek, Zsuzsanna E [CC]
Michelle Painter
Melillo, Kandace
Jones, Angela
PHILIP F. MCCLELLAND (E-mail)
Philip Macres
Withers, Darius B.
Rick Stubbs
Augustino, Steven A.
Ross Buntrock

Delivery

Delivered: 11/21/2003 9:31 AM
Delivered: 11/21/2003 9:31 AM

KELLEY DRYE & WARREN ^{LLP}

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AFFILIATE OFFICES
BANGKOK, THAILAND
JAKARTA, INDONESIA
MUMBAI, INDIA
TOKYO, JAPAN

November 24, 2003

VIA OVERNIGHT MAIL AND ELECTRONIC MAIL

Mr. James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, Pennsylvania 17105

RECEIVED
NOV 24 2003

A PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Re: Docket Nos. I-00030099

DOCUMENT

Dear Mr. McNulty:

Please find attached an original and three (3) copies of Proposed Memorandum filed on behalf of Broadview Networks, Inc., BullsEye Telecom, ARC Networks, Inc. d/b/a InfoHighway Communications Corporation, McGraw Communications, Inc, Metropolitan Telecommunications of PA, Inc., and Talk America Inc.

Please date-stamp the duplicate copy of this filing and return it in the enclosed self-addressed, postage-paid envelope. If you have any questions regarding this filing, please contact the undersigned counsel at (202) 887-1284.

Respectfully submitted,

Heather T. Hendrickson

Enc.

cc: The Honorable Michael C. Schnierle
Service List (via electronic and first class mail)

199

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Investigation into the Obligations of)
Incumbent Local Exchange Carriers to)
Unbundle Network Elements)

Docket No. I-00030099

DOCKETED
JAN 07 2004

**PREHEARING MEMORANDUM OF
BROADVIEW NETWORKS, INC., BULLSEYE TELECOM, ARC NETWORKS, INC. D/B/A
INFOHIGHWAY COMMUNICATIONS CORPORATION, MCGRAW COMMUNICATIONS,
INC., METROPOLITAN TELECOMMUNICATIONS OF PA, INC.,
AND TALK AMERICA INC.**

Broadview Networks, Inc. ("Broadview"), BullsEye Telecom ("BullsEye"), ARC Networks, Inc. d/b/a InfoHighway Communications Corporation ("InfoHighway"), McGraw Communications, Inc. ("McGraw"), Metropolitan Telecommunications of PA, Inc. ("MetTel"), and Talk America Inc. ("Talk") (collectively, "Joint Participants"), by their undersigned counsel and in accordance with 52 Pa. Code Section 5.222, submit this Prehearing Memorandum in the above-captioned matter.

I. SERVICE

Service for the Joint Participants should be made to the following:

Genevieve Morelli
Ross A. Buntrock
Heather T. Hendrickson
Kelley Drye & Warren LLP
1200 Nineteenth Street, NW, Suite 500
Washington, DC 20036
(202) 955-9600 (telephone)
(202) 955-9792 (facsimile)
gmorelli@kelleydrye.com
rbuntrock@kelleydrye.com
hhendrickson@kelleydrye.com

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NOV 24 2003

A PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

II. DISCOVERY

The Joint Participants submit that the Commission's existing rules of discovery should apply in this proceeding.

III. WITNESSES

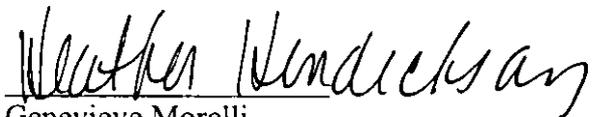
The Joint Participants may call Joseph Gillan as a witness in this proceeding.

IV. PROPOSED PROCEDURAL SCHEDULE

The Joint Participants propose the following procedural schedule for the remainder of this proceeding:

November 25, 2003 – January 12, 2004:	Discovery
January 13, 2004:	Intervenor Direct Testimony
January 21, 2004:	Verizon Rebuttal Testimony
January 26, 2004 – February 2, 2004:	Hearings
February 2, 2004:	Close of Record

Respectfully Submitted,



Genevieve Morelli
Ross A. Buntrock
Heather T. Hendrickson

*Counsel to Broadview Networks, Inc.,
BullsEye Telecom, ARC Networks, Inc. d/b/a
InfoHighway Communications Corporation,
McGraw Communications, Inc.,
Metropolitan Telecommunications of PA,
Inc., and Talk America Inc.*

Dated: November 24, 2003

ORIGINAL
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service List as of 11/14/03

Investigation into the Obligations of)
Incumbent Local Exchange Carriers to)
Unbundle Network Elements)

Docket No. I-00030099

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CERTIFICATE OF SERVICE

A PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

I hereby certify that I have this 24th day of November, 2003, served a true copy of the foregoing "Proposed Memorandum" upon the persons below via first-class mail, in accordance with the requirements of 52 Pa. Code §1.54:

Carol Pennington, Acting Director
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Commerce Building, Suite 1102
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Kandace Melillo, Esquire
Pennsylvania Public Utility Commission
Office of Trial Staff
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400 North Street, 3rd Floor
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Norm Kennard, Esquire
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LLP
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Irwin A. Popowsky, Esquire
Barrett Sheridan, Esquire
Phil McClelland, Esquire
Office of Consumer Advocate
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Harrisburg, PA 17101-1923

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3033 Chain Bridge Road
Oakton, VA 22185

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Suzan DeBusk Paiva
Stephen I. Bachman
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Philadelphia, PA 19103

Sue Benedek, Esquire
Sprint
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Harrisburg, PA 17101

Pennsylvania Telephone Association
P.O. Box 1169
Harrisburg, PA 17108-1169

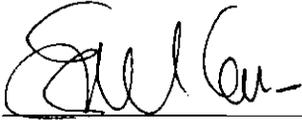
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Arlington, VA 22209

Rowland L. Curry (Expert Consultant)
1509 Meams Meadow Blvd.
Austin, TX 78758

Bob Loube (Expert Consultant)
10601 Cavalier Drive
Silver Spring, MD 20901

Melanie Lloyd (Expert Consultant)
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Richard U. Stubbs, Esquire
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Edilma M. Carr

Robert C. Barber
Senior Attorney

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703 691-6061
FAX 703 691-6093
EMAIL rcbarber@att.com

DOCUMENT

November 24, 2003

BY OVERNIGHT MAIL

Mr. James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

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PENNSYLVANIA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

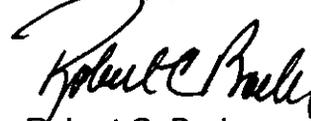
Re: Investigation Into Obligations Of Incumbent
Local Exchange Carriers To Unbundle Network Elements
Docket No. I-00030099

Dear Mr. McNulty:

Please find enclosed for filing in the above-captioned proceeding the original and three (3) copies of AT&T Communications of Pennsylvania, LLC.'s Prehearing Memorandum.

Please do not hesitate to contact me with any questions regarding the enclosures.

Very truly yours,



Robert C. Barber

Enclosures

cc: (w/ encl)
The Honorable Michael Schnierle
The Honorable Susan Colwell
Service List (w/ encl)

194

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

Investigation into the Obligations of Incumbent Local Exchange Carriers to Unbundle Network Elements	:	Docket No. I-00030099
	:	
	:	

**AT&T COMMUNICATIONS OF PENNSYLVANIA, LLC'S
PREHEARING MEMORANDUM**

Pursuant to the Section 333 of the Public Utility Code, 66 Pa. C.S. §333, and in anticipation of the prehearing conference scheduled in this matter for November 25, 2003, AT&T Communications of Pennsylvania, LLC. ("AT&T"), through its counsel, provides the following information concerning its participation in the above-captioned proceeding.

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I. HISTORY OF PROCEEDINGS

A PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

The Commission's Procedural Order of October 2, 2003 sets forth the background of the FCC's Triennial Review Order ("TRO") and the issues addressed in the TRO concerning the incumbent local exchange carriers' ("ILEC") obligations to provide access to local switching and dedicated transport on an unbundled basis.¹ The Procedural Order also established a general schedule for addressing those unbundling issues, directing any ILEC that desired to attempt to overcome the FCC's presumptive finding that competitors are impaired without access to unbundled switching and

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JAN 07 2004

¹ See Procedural Order, Docket Nos. I-00030100, M-00031754 and I-00030099, Oct. 2, 2003 at 1-5.

DOCUMENT

transport to file a petition initiating such a proceeding, and further directing any such ILEC to serve that filing on AT&T and other CLECs identified in the Order.²

Pursuant to the Procedural Order, Verizon Pennsylvania Inc. filed a Petition to Initiate this proceeding on October 31, 2003. AT&T received a hard copy of the public version of that filing on November 3, 2003. AT&T filed a petition to intervene in this proceeding on October 4, 2003, upon service of which Verizon provided a "proprietary" version of its October 31 filing. In providing that copy to AT&T, however, Verizon refused to provide AT&T with allegedly proprietary information concerning "3rd party" CLECs that Verizon apparently had included in the Petition it had filed with the Commission.

On November 14, 2003, and again pursuant to the Procedural Order, AT&T filed its Answer to Verizon's Petition, and also responded to the data requests the Commission had propounded to the CLECs in Appendix A to the Procedural Order.

On November 20, after Verizon had refused again to provide AT&T and other CLECs with a complete copy (including all proprietary data) of its October 31 filing, AT&T contacted the Presiding Administrative Law Judges by electronic mail in an effort to resolve the matter. By electronic mail on November 21, Administrative Law Judge Schnierle treated AT&T's message as a motion for an order, and directed Verizon to respond on November 24. As of the time this memorandum is being prepared, Verizon still has not provided a complete copy of its Petition and attachments to all of the parties to this case.

² Procedural Order, Ordering Paras. 3(b) and (4).

II. ISSUES AND WITNESSES

In its Petition, Verizon contends that the “triggers” established in the TRO for mass market switching have been met in Density Cell 1 through 3 in no less than 7 Metropolitan Statistical Areas in Pennsylvania, and that local switching thus must be eliminated as an unbundled element in those areas. Verizon also contends that the wholesale triggers for unbundled transport have been met on no less than 644 routes in its service territory.

AT&T anticipates presenting evidence regarding all of these claims. While the full extent of AT&T’s evidentiary presentation will depend on discovery yet to be conducted in the case, at the present time AT&T anticipates presenting at least the following witness in this proceeding on issues presented in this proceeding:

Robert Kirchberger
E. Christopher Nurse

The need for different and/or additional witnesses may be identified as the proceeding progresses. AT&T will promptly notify the parties and presiding officer in the event of any such changes.

III. DISCOVERY

The issues presented in this case necessarily are fact-intensive, and thus will likely require extensive discovery, not only from Verizon but also possibly from carriers that have not elected to participate in this case, but who may nevertheless have been identified as “trigger candidates” in Verizon’s October 31 submission. On November 21, 2003, AT&T propounded its first set of data requests to Verizon. Because of Verizon’s tactics in refusing to provide a

complete copy of its filing, AT&T has not yet been able to ascertain the necessity for third party discovery.

IV. SCHEDULE

AT&T supports the schedule proposed in the prehearing memorandum filed by the Pennsylvania Carriers Coalition. AT&T believes that schedule accommodates the to conduct discovery concerning Verizon's extensive request for relief (including likely discovery of third parties to this case), and also properly takes into account the more than three weeks the parties already have lost due to Verizon's refusal to provide even the most basic information concerning this case -- i.e., a complete copy of its original filing.

V. SERVICE ON AT&T

AT&T anticipates that it will be represented in this case by the following counsel, who should be served with copies of all documents in this proceeding:

Robert C. Barber, Esq.
Mark A. Keffer, Esq.
AT&T Communications of Pennsylvania, LLC.
Room 3-D
3033 Chain Bridge Road
Oakton, VA 22185
Tel: (703) 691-6061
Fax: (703) 691-6093

Respectfully submitted,

**AT&T Communications
of Pennsylvania, LLC**

By its Attorneys,

A handwritten signature in black ink, appearing to read "Robert C. Barber", written over a horizontal line.

Robert C. Barber
3033 Chain Bridge Road
Oakton, VA 22185
(703) 691-6061

Of Counsel:
Mark A. Keffer

Dated: November 24, 2003

Certificate of Service
Docket No. I-00030099

The undersigned hereby certifies that true and correct copies of AT&T Communications of Pennsylvania, LLC.'s Prehearing Memorandum were caused to be served on the persons named below by overnight mail in accordance with the requirements of 52 Pa. Code §§1.52 and 1.54:

Patricia Armstrong, Esq.
Thomas, Thomas, Armstrong & Niesen
PO Box 9500
Harrisburg, PA 17108

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Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923

Alan Kohler
Daniel Clearfield
Wolf Block Schorr & Solis-Cohen
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212 Locust Street
Harrisburg, PA 17101

Julia A. Conover, Esq.
Suzan Paiva, Esq.
Verizon Pennsylvania, Inc.
1717 Arch Street 32 NW
Philadelphia, PA 19103

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1200 19th Street N.W.
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Anderson Gulotta & Hicks, PC
1110 N. Mountain Road
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Harrisburg, PA 17101

Kandace Melillo, Esq.
Office of Trial Staff
Pennsylvania PUC
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Cavalier Telephone Mid-Atlantic, LLC
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Philip Macres, Esq.
Swidler Berlin Shereff & Friedmann
3000 K Street, NW
Washington, DC 20007

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A PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU


Robert C. Barber

Dated: November 24, 2003



November 24, 2003

Via Overnight Delivery

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120

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PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Re: Investigation into the Obligations of Incumbent Local Exchange
Carriers to Unbundle Network Elements, Docket No. I-00030099

Dear Mr. McNulty:

Please find enclosed an original and three (3) copies of MCI WorldCom Network Services, Inc.'s ("MCI") Prehearing Memorandum in the above-referenced case.

Please contact me if you have any questions or concerns with this filing.

Very truly yours,

Michelle Painter
Michelle Painter

cc: Certificate of Service
Administrative Law Judge Michael C. Schnierle
Administrative Law Judge Susan Colwell

Enclosure

195

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOCKETED
JAN 07 2004

Investigation into the Obligations of)
Incumbent Local Exchange Carriers to) Docket No. I-00030099
Unbundle Network Elements)

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PREHEARING MEMORANDUM OF
MCI WORLDCOM NETWORK SERVICES, INC.

PENNSYLVANIA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

In accordance with 52 Pa. Code Section 5.222, MCI WorldCom Network Services, Inc.

("MCI") submits this Prehearing Memorandum in the above-captioned matter.

DOCUMENT

I. INTRODUCTION

The Pennsylvania Public Utility Commission ("Commission") initiated this case through a Procedural Order entered on October 3, 2003. The Procedural Order was as a result of the Federal Communications Commission's ("FCC") Triennial Review Order issued on August 21, 2003.¹ In the Triennial Review Order, the FCC found that competitive local exchange carriers ("CLECs") are impaired without access to unbundled local switching for mass markets, unbundled transport and unbundled high capacity loops. If an incumbent local exchange carrier ("ILEC") wants a state Commission to overturn the finding of impairment, the ILEC must prove that CLECs are in fact not impaired by presenting evidence that meets the FCC's requirements.

¹ Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket No. 01-338, Report and Order (rel. Aug. 21, 2003)(FCC 03-36), as corrected by errata, FCC 03-227 issued on September 17, 2003 (hereinafter "Triennial Review Order" or "TRO").

In the October 3 Procedural Order, the Commission ordered Verizon to file a Petition to Initiate Proceeding by October 31, 2003 if Verizon intended to present evidence against the FCC's findings of impairment. Verizon filed such Petition claiming that impairment does not exist for certain areas of Pennsylvania with respect to mass markets switching, and for 644 transport routes. Verizon stated that it did not intend to present evidence at this time regarding non-impairment for high capacity loops.

MCI filed a Petition to Intervene on November 6, 2003. MCI filed its Answer to Verizon's Petition to Initiate Proceeding on November 14, 2003.²

II. ISSUES

In determining impairment, the FCC decided that incumbents may prove that carriers are not impaired without access to certain unbundled elements by showing that, in a particular market, a given number of carriers are either using their own self-deployed transport³ or switches to serve mass market customers, or that there are wholesale providers other than the ILEC offering such elements. In the absence of clear evidence of no impairment in the form of actual self-provisioning by CLECs or competitive wholesale providers that satisfies the FCC's prescribed trigger analysis, the Commission would proceed to a potential deployment analysis. This analysis determines that impairment exists "when lack of access to an incumbent LEC network element poses a barrier or barriers to entry, including operational and economic barriers, that are likely to make entry into a market uneconomic."⁴

² Please note that the Pro Hac Vice Motion filed on behalf of Michelle Painter by Kathleen Misturak-Gingrich is moot at this point as Michelle Painter was admitted to the Bar of Pennsylvania as of November 18, 2003.

³ The self-provisioning trigger does not apply at the DS1 level for dedicated transport. *TRO at ¶409.*

⁴ *TRO at ¶84.*

Verizon chose to file a “triggers only” case in Pennsylvania. Thus, if the Commission finds that Verizon has not met its burden of proof in showing that the triggers are met, then the Commission will be required to uphold the FCC’s findings of impairment with respect to high capacity loops, transport and unbundled switching for mass markets customers.

Although Verizon attempts to minimize the issues that will be addressed in this case, this is a complex case that involves the analysis of numerous factors. First, the Commission must determine whether the providers Verizon identifies as “triggering” companies actually meet the criteria established by the FCC. As the FCC noted with respect to transport, “[e]ach counted self-provisioned facility along a route must be operationally ready to provide transport into or out of an incumbent LEC central office.”⁵ With respect to the competitive wholesale facilities trigger, “[t]he competitive transport providers must be operationally ready and willing to provide the particular capacity transport on a wholesale basis along the specific route.”⁶ Whether a company is ready and willing to provide transport along a particular route will depend on various economic and operational issues.

With respect to mass market switching, the Commission must first define the market. In order to determine the appropriate definition of the market, Commissions must consider various factors. Those factors include: “the locations of customers actually being served (if any) by competitors, the variation in factors affecting competitors’ ability to serve each group of customers, and competitors’ ability to target and serve specific markets economically and efficiently using currently available technologies.”⁷ The TRO also presents examples of the

⁵ TRO at ¶406.

⁶ *Id.* at ¶414.

⁷ *Id.* at ¶495.

factors that may vary geographically, such as “how the cost of serving customers varies according to the size of the wire center and the location of the wire center, and the variations in the capabilities of wire centers to provide adequate collocation space and handle large number of hot cuts.”⁸ These factors clearly include both operational issues and economic issues associated with serving customers.

In addition to looking at various factors related to the market, the Commission must also evaluate factors related to the companies Verizon identified as triggering companies. A company cannot be deemed to be a triggering company unless it is “currently offering and able to provide service, and likely to continue to do so.”⁹ This involves analysis of economic and operational factors affecting a company’s ability to offer service in Pennsylvania. The FCC also found that “the identified competitive providers should be actively providing voice service to mass market customers in the market.” Thus, it is critical to evaluate detailed evidence regarding the companies Verizon identifies as satisfying the FCC’s trigger analysis.

The Commission will also need to evaluate evidence related to the definition of a mass markets customer versus an enterprise customer.

III. WITNESSES

At this time, MCI intends to present the testimony of three witnesses. Those witnesses are: Dr. Michael Pelcovits, Mindy J. Chapman and Earle Jenkins. These witnesses will testify on the issues discussed above, as well as other issues relevant to the case made by Verizon.

⁸ Id. at ¶496.

IV. DISCOVERY

Given the extremely expedited nature of this case, MCI requests that the Commission adopt shortened discovery due dates. Discovery responses should be due no later than ten (10) days after they were received. That should include questions that were already served prior to the Prehearing Conference. Objections should be noted orally within three (3) business days after discovery was received, and written objections should be due within seven (7) calendar days after the discovery was received. Motions to Compel should be filed within five (5) calendar days after written objections are received.

V. PROCEDURAL SCHEDULE

A final decision must be made in this case by no later than June 2, 2004. The Commission has already determined in its Procedural Order that an ALJ Recommended Decision must be issued by April 1, 2004. The ALJs issued a First Prehearing Order stating that the record will close by February 2, 2004, with Main Briefs due on February 17, 2004 and Reply Briefs due on March 1, 2004.

MCI submits that the hearings should be as late as possible in January 2004. Hearings should be during the last week of January if at all possible. This is critical to allow for sufficient time for discovery that will be required in order to fully litigate this case and present full information to the Commission. The number of days needed for hearing will depend on the number of witnesses each party intends to present.

If Verizon's Petition to Initiate was Verizon's complete initial case, then CLECs should file the next round of testimony. If Verizon intends to present more evidence and/or testimony

⁹ Id. at ¶500.

related to its prima facie case, then Verizon should file the next round of testimony. Verizon should not be permitted to place any testimony or evidence in a reply round that it could have and should have presented during its prima facie case. In order to have sufficient time to obtain discovery responses and develop the case, MCI submits that CLEC testimony should be due in late December 2003 or early January 2003.

MCI submits that all filing dates should be in-hand dates to the parties. Electronic service via e-mail to the parties followed by overnight delivery should be sufficient to meet the in-hand deadline.

Respectfully submitted,



Michelle Painter, Esq.

MCI

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Facsimile: (202) 736-6242

E-mail: Michelle.Painter@mci.com

Dated: November 24, 2003

SERVICE LIST

I hereby certify that I have this day caused a true copy of MCI's Prehearing Memorandum to be served upon the parties of record in Docket Nos. I-00030099 in accordance with the requirements of 52 Pa. Code Sections 1.52 and 1.54 in the manner and upon the parties listed below.

Dated in Washington, DC on November 24, 2003

VIA E-MAIL AND OVERNIGHT DELIVERY

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November 24, 2003

VIA UPS OVERNIGHT DELIVERY

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DOCUMENT

A PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Re: Investigation into the Obligation of Incumbent Local
Exchange Carriers to Unbundle Network Elements
Docket No. I-00030099

Dear Mr. McNulty:

Enclosed please find an original and three copies of Verizon Pennsylvania Inc.'s Prehearing Memorandum in the above-captioned matter.

Please do not hesitate to contact me if you have questions about this filing.

Very truly yours,


Susan D. Paiva

SDP/slb
Enc.

cc: Via UPS Overnight Delivery
Honorable Michael Schmierle
Honorable Susan Colwell
Attached Certificate of Service

197

ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Investigation into the :
Obligation of Incumbent : Docket No.
Local Exchange Carriers : I-000300099
to Unbundle Network Elements :
:

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A PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

DOCKETED
JAN 07 2004

**PREHEARING MEMORANDUM OF
VERIZON PENNSYLVANIA INC.**

Verizon Pennsylvania Inc. ("Verizon") submits this Prehearing Memorandum for purposes of the prehearing conference scheduled for November 25, 2003.

I. HISTORY AND SCOPE OF PROCEEDING

This case is a "Nine Month Proceeding" directed by the Federal Communication Commission's ("FCC") *Triennial Review Order ("TRO")* in which Verizon has asked this Commission to determine that the FCC's non-impairment standards have been satisfied for unbundled local switching for mass market customers in particular geographic markets in the state and for dedicated transport for specific interoffice routes. This Commission must apply the FCC's mandatory and exclusive guidelines to conduct "the targeted, granular unbundling analysis" assigned to it by the *TRO*.¹

¹ *Review of Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, CC Docket No. 01-338; *Implementation of the Local Competition*

DOCUMENT

In this case Verizon relies exclusively upon the FCC’s “objective triggers,” a summary device provided by the FCC so that state commissions “can avoid delays caused by protracted proceedings and can minimize administrative burdens.” *TRO* ¶ 403. The scope of review in a triggers case is focused and quite narrow – the Commission *must* find “no impairment” if certain objective evidentiary “triggers” are satisfied. *TRO* ¶ 494. This mandatory finding of no impairment if a trigger is satisfied, together with the fact that Verizon has declined in this nine-month proceeding to bring a “potential deployment” case, means that the scope of discovery and of this proceeding in general can and should be limited to an examination of the triggers only.

The FCC’s triggers are “keyed to objective data” and “provide bright-line rules” in determining that there is no impairment in a particular market. The Commission must resist all attempts to twist these objective triggers into vague, subjective standards. Although the CLECs have not filed testimony yet, several have filed “Answers” to Verizon’s Petition to initiate this proceeding that attempt to confuse and expand the scope of the issues that may properly be considered by this Commission in this limited “triggers” case. Because this Commission is not required for purposes of the triggers to conduct a “potential deployment” analysis, the economic and operational factors that the Commission would need to consider in any impairment analysis based on potential deployment are not relevant here.

Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98;
*Deployment of Wireline Services Offering Advanced Telecommunications
Capability*, CC Docket No. 98-147, FCC 03-36 (rel. August 21, 2003) (“TRO”).

The *TRO* plainly does not allow for the complex and subjective operational and economic criteria that apply to a potential deployment case to be used to delay and complicate a straightforward trigger analysis – which is the only analysis Verizon has asked the Commission to conduct.²

In the event that parties seek to take discovery or submit testimony regarding matters outside the proper scope of this proceeding, Verizon will bring the issue to the Commission’s attention.

For switching, Verizon is relying upon the *TRO*’s “self-provisioning trigger,” which requires this Commission to find “no impairment” if there are three or more carriers, unaffiliated with Verizon or each other (including intermodal alternatives), serving mass market customers in a particular market using their own switches.³ The Commission must also determine the relevant market and the cross-over point at which it makes economic sense for a multi-line DS0 loop customer to be served by a DS1 loop, and must make specific findings regarding Verizon’s hot-cut processes.⁴

² See *id.* ¶ 425, n. 1300 (“states must first employ triggers that examine actual deployment; only if the triggers are not met must states apply criteria to assess whether entry is uneconomic”); *id.* ¶ 494 (“If the [switching] triggers are not satisfied, the state commission shall proceed to the second step of the analysis, in which it must evaluate certain operational and economic criteria to determine whether conditions in the market are actually conducive to competitive entry . . .”).

³ Verizon reserves the right to supplement its filing to include additional information regarding the “competitive wholesale facilities trigger” based on any information that might be produced in discovery.

⁴ The hot cut issues are being considered as part of a separate technical conference at docket M-00031754.

For transport, Verizon is relying upon the wholesale trigger (presence of two or more CLECs along a route that are willing to provide transport on a wholesale basis to other carriers) and the self-deployment trigger (presence of three or more CLECs who have deployed their own facilities and are operationally ready to use such facilities).

II. PROPOSED SCHEDULE

Verizon proposes the following schedule for this proceeding, in consideration of the Commission's time limit and the availability of the Presiding Officers, as set forth in the First Prehearing Order.

October 31, 2003	Verizon's Direct Testimony
December 15, 2003	Rebuttal Testimony
January 13, 2004	Surrebuttal Testimony
January 26, 27, 28	Hearings
February 2, 2004	Close of Record
February 17, 2004	Main Briefs Due
March 1, 2004	Reply Briefs Due

If it is acceptable to the presiding officers, Verizon requests that an electronic (e-mail) service list be compiled, and that all discovery requests, discovery responses, testimony and briefs be served via e-mail on the date due, with a confirming hard copy by over-night mail. (Verizon is willing to make special arrangements for OTS regarding alternatives to overnight mail for the confirming hard copy).

III. OTHER PROCEDURAL ISSUES

Verizon has noted from the Commission's Daily Action summaries available on its web site that a number of parties have made filings in this docket that have not been served on Verizon. For example, CTC, Telcove, CTSI and Level 3 appear to have made filings that Verizon has not received. Verizon therefore requests that the presiding officers circulate a complete list of the parties that have intervened and a list of any other parties that have filed responses to the Commission's discovery. Verizon further requests that all such parties be directed (to the extent they have not already done so) to serve upon all counsel on the service list a proprietary version of any documents they have filed with the Commission in this proceeding via e-mail and overnight mail.



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Counsel for Verizon Pennsylvania Inc.

November 24, 2003

CERTIFICATE OF SERVICE

I, Suzan DeBusk Paiva, hereby certify that I have this day served a copy of Verizon Pennsylvania Inc.'s Prehearing Memorandum, upon the participants listed below in accordance with the requirements of 52 Pa. Code Section 1.54 (related to service by a participant) and 1.55 (related to service upon attorneys).

Dated at Philadelphia, Pennsylvania, this 24th day of November, 2003.

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November 24, 2003

VIA OVERNIGHT MAIL AND ELECTRONIC MAIL

Mr. James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
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Harrisburg, Pennsylvania 17105

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NOV 24 2003

A PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Re: Docket Nos. I-00030099 and M-00031754

Dear Mr. McNulty:

Please find attached an original and three (3) copies of executed confidentiality agreements for David Aronow, President of Metropolitan Telecommunications Corporation of PA in the above-captioned dockets.

Please date-stamp the duplicate copy of this filing and return it in the enclosed self-addressed, postage-paid envelope. If you have any questions regarding this filing, please contact the undersigned counsel at (202) 887-1284.

Respectfully submitted,

Heather T. Hendrickson

Enc.

cc: Janet Tuzinski – FUS Telecom Manager
Service List (via electronic and first class mail)

200

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APPENDIX A-2
PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg PA 17105-3265

DOCKETED
JAN 07 2004

Investigation into the Obligations of
Incumbent Local Exchange Carriers to
Unbundle Network Elements

A I-00030099
Docket No. ~~K-00031754~~

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CONFIDENTIALITY AGREEMENT

A PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

TO WHOM IT MAY CONCERN:

The undersigned is the President of
mettel (retaining party) and is not, or has no knowledge or basis
for believing that he/she is: (1) an officer, board member, stockholder, partner or owner other
than stock of any competitor of _____ (producing party) or an
employee of any competitor of the producing party who is primarily involved in the pricing,
development, and/or marketing of products or services that are offered in competition with those
of the producing party; or (2) an officer, board member, stockholder, partner, or owner than
stock of any affiliate of a competitor of the producing party. (See ¶5 of Protective Order).

The undersigned has read the Protective Order and understands that it and this
Confidentiality Agreement deal with the treatment of Proprietary Information and Highly
Confidential Proprietary Information. The undersigned agrees to be bound by, and to comply
with, the terms and conditions of said Protective Order as a condition of access to the Proprietary
Information and Highly Confidential Proprietary Information. Further, the undersigned, if an
independent expert, represents that he/she has complied with the provisions of ordering
paragraph number 5(a)(ii) of the Protective Order prior to executing this Confidentiality
Agreement.

DATE: 11-13

[Signature]
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Status relative to Retaining Party
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APPENDIX A-2
PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg PA 17105-3265

Investigation into the Obligations of
Incumbent Local Exchange Carriers to
Unbundle Network Elements

I-00030099
Docket No. P-00031754

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NOV 24 2005

CONFIDENTIALITY AGREEMENT

A PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

TO WHOM IT MAY CONCERN:

The undersigned is the President of metel (retaining party) and is not, or has no knowledge or basis for believing that he/she is: (1) an officer, board member, stockholder, partner or owner other than stock of any competitor of _____ (producing party) or an employee of any competitor of the producing party who is primarily involved in the pricing, development, and/or marketing of products or services that are offered in competition with those of the producing party; or (2) an officer, board member, stockholder, partner, or owner than stock of any affiliate of a competitor of the producing party. (See ¶5 of Protective Order).

The undersigned has read the Protective Order and understands that it and this Confidentiality Agreement deal with the treatment of Proprietary Information and Highly Confidential Proprietary Information. The undersigned agrees to be bound by, and to comply with, the terms and conditions of said Protective Order as a condition of access to the Proprietary Information and Highly Confidential Proprietary Information. Further, the undersigned, if an independent expert, represents that he/she has complied with the provisions of ordering paragraph number 5(a)(ii) of the Protective Order prior to executing this Confidentiality Agreement.

DATE: 11-3

[Signature]
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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Investigation into the Obligations of)
Incumbent Local Exchange Carriers to)
Unbundle Network Elements)

Docket No. I-00030099

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NOV 24 2003

Development of an Efficient Loop)
Migration Process)

Docket No. M-00031754

**PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU**

CERTIFICATE OF SERVICE

I hereby certify that I have this 24th day of November, 2003, served a true copy of the foregoing "Confidentiality Agreements" upon the persons below via first-class mail, in accordance with the requirements of 52 Pa. Code §1.54:

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Edilma M. Carr

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November 24, 2003

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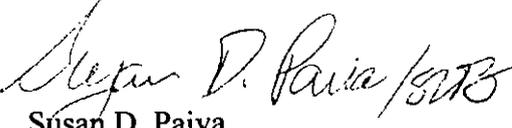
Re: Investigation into the Obligation of Incumbent Local
Exchange Carriers to Unbundle Network Elements
Docket No. I-00030099

Dear Mr. McNulty:

Enclosed please find an original and three copies of Verizon Pennsylvania Inc.'s Response to AT&T's Motion for an Order Directing Production of CLEC Proprietary Data.

Please do not hesitate to contact me if you have questions about this matter.

Very truly yours,


Susan D. Paiva

SDP/slb
Enc.

cc: Via UPS Overnight Delivery
Honorable Michael Schnierle
Honorable Susan Colwell
Attached Certificate of Service

198

DOCKETED
JAN 07 2004

ORIGINAL

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Investigation into the :
Obligation of Incumbent : Docket No.
Local Exchange Carriers : I-000300099
to Unbundle Network Elements :
:

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NOV 24 2003

A PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

**RESPONSE OF VERIZON PENNSYLVANIA INC. TO AT&T'S MOTION FOR
AN ORDER DIRECTING PRODUCTION OF CLEC PROPRIETARY DATA**

On Friday, November 21, 2003, via e-mail correspondence, counsel for AT&T Communications of Pennsylvania, LLC ("AT&T") asked that Verizon Pennsylvania Inc. ("Verizon") be directed to produce certain information that Verizon understands to be proprietary to various CLECs. Verizon was directed to respond to AT&T's "motion" by 5:00 p.m. today.

By way of background, on October 31, 2003 Verizon served its Direct Testimony (St. 1.0, Direct Testimony of Berry and Peduto) upon all of the "footnote 14" CLECs, as well as the Commission's public parties. Each of the CLECs received the full text of the testimony, which is not proprietary, and a public set of the Attachments. Attachments 1, 3, 4, 5 and 8 are not proprietary and were also provided in full to all CLECs on October 31, 2003.¹ On that date the CLECs also received public versions of Attachments 2 and 6, with a random number in place of CLEC names to protect CLEC proprietary information. Attachment 2 depicts the name of each CLEC and the number of loops it serves in each of the Metropolitan Statistical Areas ("MSAs") relevant to Verizon's switching testimony. Attachment 6 depicts the identity of the CLEC and the location of its central

¹ Only attachment 7 (the methods and procedures for Verizon's transport study) was redacted completely and was not provided due to its proprietary contents.

DOCUMENT

office collocation arrangements in the central offices pertinent to Verizon's transport testimony. In both cases, Verizon assigned a random numerical code to each CLEC and provided the CLECs being served with a public version of the documents in which the names had been replaced by the numeric codes. Verizon filed a proprietary version of the documents containing the names with the Commission (and provided it to the public parties) and provided each CLEC with its own code upon request. In the October 31 distribution the CLECs also received the text of Verizon's responses to the Commission's discovery, without the proprietary attachments.

As parties petitioned to intervene in the proceeding and requested proprietary information, Verizon provided its own proprietary information, which consisted only of the attachments to Verizon's responses to the Commission's discovery and Attachment 7 to the testimony.

Counsel for Verizon and AT&T engaged in e-mail correspondence in which AT&T also requested the identity of all of the CLECs depicted in Attachments 2 and 6. Ultimately, on Friday November 21, AT&T sent an e-mail to the presiding officers requesting that Verizon be ordered to produce this information. The day before AT&T's e-mail, Sprint had also requested the same information, and Friday morning (following circulation of AT&T's e-mail) other CLECs joined in the request. This correspondence, almost a month after Verizon provided the coded versions of Attachments 2 and 6, was the first that Verizon was informed that any CLEC other than AT&T was dissatisfied with receiving the information in Attachments 2 and 6 with the CLEC names replaced by individual codes known only to that CLEC.

As Verizon informed AT&T, the reason Verizon employed the coding system rather than divulging the actual identity of the CLECs is that the Protective Order does not specifically authorize Verizon to disclose CLEC proprietary information, but simply to provide for a means to protect proprietary information if Verizon is able to disclose it. In fact, some of the CLECs involved are not even parties to this case. And Verizon had very good reasons for concluding that CLECs wished to have this information treated as confidential. Not only has Verizon in the past consistently treated such information as proprietary, but AT&T itself was already on record in another state as emphasizing that “the issues” in a nine-month proceeding “will require parties and non-parties to produce information that includes highly sensitive materials. Some of these documents contain information that no carrier would ever want its competitors to possess.”²

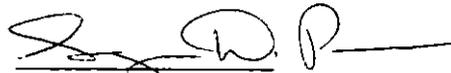
Verizon never had any objection to providing this information to all carriers in this proceeding. However, because this information is proprietary to parties other than Verizon, the most appropriate course was for AT&T to seek a Commission order that such CLEC-specific proprietary information should be provided to all parties in this proceeding. Verizon asked AT&T if it had sought consent from any of the CLEC parties to the case and Verizon also emphasized that it would not oppose AT&T’s efforts to obtain a Commission order directing production. Verizon would of course produce the material in response to a directive from the presiding officers.

² AT&T Communications of California Inc.’s (U 5002 C) Opening Comments on the Administrative Law Judge’s Ruling Soliciting Comments on Nine-Month Review Phase of FCC Triennial Review Order, *Order Instituting Rulemaking on the Commission’s Own Motion into Competition for Local Exchange Service*, Public Utilities Commission of the State of California (Rulemaking 95-04-043; Investigation 95-04-044) (filed September 12, 2003).

Based on the e-mail messages joining in AT&T's request, and in an effort to resolve this issue without imposing on the Commission, Verizon sought to determine whether CLECs would waive any claims of confidentiality to this information and would consent to the disclosure of their codes to the other parties without the necessity of a Commission order. Based on the exchange of e-mails on Friday regarding consent, the parties were able to circulate on Friday the codes for AT&T, Broadview Networks, Cavalier, Choice One, Focal Communications, Sprint, WorldCom and XO Communications. However, there are a number of other carriers from whom Verizon requested consent that have not yet responded to Verizon's email: Penn Telecomm (Mr. Hicks), Comcast (Mr. Kohler), Allegiance (Ms. Kriete), and RCN (Mr. Withers). Verizon does not believe it is appropriate to disclose these carriers' code numbers without a waiver from these carriers or an order from the Commission. In addition, there are additional carriers that appear on Attachment 2 and/or Attachment 6 whose codes have not been disclosed: CTSI, D&E, DQE, Fibertech, Fibernet, Level 3, Lightwave, Metromedia, PPL, Qwest, SBC and Telcove. It is likely that counsel for some or all of these parties will appear at the prehearing conference and the issue of their consent can be raised on the record at that time.³ In any event, Verizon continues to believe that the best way to resolve this issue is for the Commission to issue an order that this CLEC-specific proprietary information should be shared with all parties of record in this proceeding.

³ In fact, Verizon notes from the Commission's Daily Action Search on the Commission's website that CTSI, Level 3 and Telcove have made filings in this proceeding, although they have not been served on Verizon.

November 24, 2003



Julia A. Conover
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Suzan DeBusk Paiva
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William.b.petersen@verizon.com
Suzan.d.paiva@verizon.com

Counsel for Verizon Pennsylvania Inc.

CERTIFICATE OF SERVICE

I, Suzan DeBusk Paiva, hereby certify that I have this day served a copy of Verizon Pennsylvania Inc.'s Response to AT&T's Motion for an Order Directing Production of CLEC Proprietary Data, upon the participants listed below in accordance with the requirements of 52 Pa. Code Section 1.54 (related to service by a participant) and 1.55 (related to service upon attorneys).

Dated at Philadelphia, Pennsylvania, this 24th day of November, 2003.

VIA E-MAIL AND/OR UPS OVERNIGHT DELIVERY

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Regina L. Matz, Esquire
Thomas, Thomas, Armstrong
& Niesen
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Philip McClelland, Esquire
Barrett Sheridan, Esquire
Office of Consumer Advocate
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Kandace Melillo, Esquire
Office of Trial Staff
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400 North Street
Harrisburg, PA 17120

Robert C. Barber, Esquire
AT&T Communications of PA
3033 Chain Bridge Road
Oakton, VA 22185

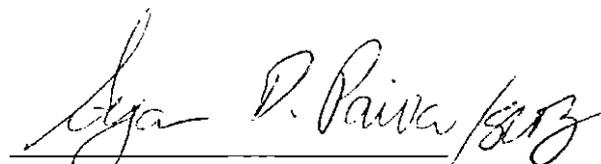
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Anderson, Gulotta & Hicks, P.C.
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NOV 24 2003

PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU



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Alan C. Kohler
Direct Dial: (717) 237-7172
Direct Fax: (717) 237-2752
E-mail: akohler@wolfblock.com

ORIGINAL

November 24, 2003

VIA HAND DELIVERY

James McNulty
Secretary
PA Public Utility Commission
Commonwealth Keystone Bldg., 2nd
Floor, 400 North Street P.O. Box 3265
Harrisburg, PA 17105-3265

DOCUMENT

RECEIVED
PA PUC
SECRETARY'S BUREAU
2003 NOV 24 PM 4: 01

Re: Investigation into the Obligation Incumbent of Local
Exchange Carriers to Unbundle Network Elements Docket
No.; I-00030099

Dear Secretary McNulty:

Enclosed please find the original and three (3) copies of the Pennsylvania Carriers' Coalition's Prehearing Memorandum in the above-reference matter.

Thank you for your attention to this matter.

Respectfully submitted,



Alan C. Kohler

For WOLF, BLOCK, SCHORR and SOLIS-COHEN LLP

ACK/smw

cc: The Honorable Michael C. Schnierle
The Honorable Susan D. Colwell
Maryanne R. Martin
Parties of Record

DSH:38920.1/FUL022-216383

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants, listed below, in accordance with the requirements of § 1.54 (relating to service by a participant).

VIA FIRST CLASS MAIL AND E-MAIL

Julia A. Conover, Esq.
William Peterson, Esq.
Verizon Pennsylvania Inc.
1717 Arch Street, 32N
Philadelphia, PA 19103

Kandace F. Melillo
Office of Trial Staff
PA Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

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MCI WorldCom
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Robert C. Barber, Esq.
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Hon. Michael Schnierle
Administrative Law Judge
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2003 NOV 24 PM 4: 01
PA PUC
SECRETARY'S BUREAU

Date: November 24, 2003



Alan Kohler, Esq.

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

Investigation into the Obligation :
of Incumbent Local Exchange : Docket No. I-00030099
Carriers to Unbundle Network Elements :

PENNSYLVANIA CARRIERS' COALITION'S
PREHEARING CONFERENCE MEMORANDUM

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2003 NOV 24 PM 4:04
PA PUC
SECRETARY'S BUREAU

TO THE HONORABLE MICHAEL SCHNIERLE AND THE HONORABLE SUSAN COLWELL:

The Pennsylvania Carriers' Coalition ("PCC")¹ submits this Prehearing Conference Order in anticipation of the November 25, 2003 Prehearing Conference before Administrative Law Judges Schnerle and Colwell.

I. SERVICE

Service on the PCC should be made to the following:

Daniel Clearfield, Esquire
Alan C. Kohler, Esquire
Wolf, Block, Schorr and Solis-Cohen LLP
212 Locust Street, Suite 300
Harrisburg, PA 17101
717-237-7160
Fax: 717-237-7161
DClearfield@wolfblock.com
AKohler@wolfblock.com

DOCKETED
NOV 25 2003

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¹ PCC is an informal coalition comprised of Full Service Computing Corporation t/a Full Service Network ("FSN"), Remi Retail Communications, LLC. ("Remi"), ATX Licensing, Inc. ("ATX") and Line Systems, Inc. ("LSI").

II. POSSIBILITY OF SETTLEMENT

PCC has not engaged in any settlement discussions on the merits with Verizon Pennsylvania, Inc. (“Verizon”) and believes that, given the nature of the case, the possibility of settlement is extremely remote.

III. DISCOVERY

PCC sees no reason to depart from the Commission’s normal discovery rules at this time.

IV. PROPOSED PROCEDURAL ORDERS

More than 50 days after Verizon’s initial filing in this case, PCC has received no proprietary material from Verizon and has received nothing but the public version of Verizon’s Petition to Initiate Proceedings and attachments thereto.² This failure of Verizon to serve PCC with the complete, unexpurgated version of its filing has already caused prejudice to PCC in this matter. To continue to deny PCC the withheld materials is denying PCC a reasonable opportunity to be heard in this case.

The PCC requests that the Honorable ALJs immediately direct Verizon to provide a complete, unexpurgated version of its entire filing to PCC’s counsel. Furthermore, PCC requests the ALJs to accommodate Verizon’s unjustified failure in developing the schedule in this matter as outlined below.

² This is despite the fact that PCC has filed a timely intervention in the case and has submitted the required Confidentiality Agreement for PCC representatives (other than PCC counsel) to view all proprietary materials. Of course, PCC counsel had an automatic right to view the proprietary materials from Verizon’s filing starting on October 2, 2003.

V. WITNESSES

PCC currently intends to submit Panel Testimony of some or all of the following witnesses:

Scott Dulin (ATX)
David Malfara (Remi)
Gary Hawthorn (Remi)
David Schwencke (FSN)
Chris Honeywell (FSN)
Mike Miller (LSI)

VI. PROPOSED LITIGATION SCHEDULE

PCC Proposes the following schedule:

November 25 - January 12, 2004	-- Discovery
January 13, 2004	-- Intervenor Direct
January 21, 2004	-- Verizon Rebuttal
January 26-February 2, 2004	-- Hearings
February 2, 2004	-- Close of Record

Respectfully submitted,



Daniel Clearfield, Esq.
Alan Kohler, Esq.
Wolf, Block, Schorr and Solis-Cohen LLP
212 Locust Street, Suite 300
Harrisburg, PA 17101
(717) 237-7160
(717) 237-7161 fax

Dated: November 24, 2003

ORIGINAL

Michelle Painter, Senior Attorney
Law and Public Policy
1133 19th Street, NW
Washington, DC 20036
Telephone 202 736 6204



November 24, 2003

Via Overnight Delivery

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Re: Investigation into the Obligations of Incumbent Local Exchange
Carriers to Unbundle Network Elements, Docket No. I-00030099

Development of an Efficient Loop Migration Process,
Docket No. M00031754

Investigation into the Obligation of Incumbent Local Exchange
Carriers to Unbundle Local Circuit Switching for the Enterprise
Market, Docket No. I-00030100

Dear Mr. McNulty:

Please find enclosed four (4) copies of each Confidentiality Agreement signed on behalf of MCI WorldCom Network Services, Inc. in the above-referenced cases.

Please contact me if you have any questions or concerns with this matter.

Very truly yours,

A handwritten signature in cursive script that reads "Michelle Painter".

Michelle Painter

cc: Certificates of Service
Administrative Law Judge Michael C. Schnierle
Administrative Law Judge Susan Colwell

Enclosures

196

DOCKETED
JAN 07 2004
DOCUMENT

APPENDIX A-2
PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg PA 17105-3265

NOV 24 2003
PUBLIC UTILITY COMMISSION
SECRETARY'S OFFICE

Investigation into the Obligations of
Incumbent Local Exchange Carriers to
Unbundle Network Elements

Docket No. ~~I-00051754~~

I-66830099

CONFIDENTIALITY AGREEMENT

TO WHOM IT MAY CONCERN:

The undersigned is the research assistant to independent expert of ACI (retaining party) and is not, or has no knowledge or basis for believing that he/she is: (1) an officer, board member, stockholder, partner or owner other than stock of any competitor of _____ (producing party) or an employee of any competitor of the producing party who is primarily involved in the pricing, development, and/or marketing of products or services that are offered in competition with those of the producing party; or (2) an officer, board member, stockholder, partner, or owner than stock of any affiliate of a competitor of the producing party. (See ¶5 of Protective Order).

The undersigned has read the Protective Order and understands that it and this Confidentiality Agreement deal with the treatment of Proprietary Information and Highly Confidential Proprietary Information. The undersigned agrees to be bound by, and to comply with, the terms and conditions of said Protective Order as a condition of access to the Proprietary Information and Highly Confidential Proprietary Information. Further, the undersigned, if an independent expert, represents that he/she has complied with the provisions of ordering paragraph number 5(a)(ii) of the Protective Order prior to executing this Confidentiality Agreement.

DATE: 11/29/03

[Signature]
Signature
Anthony Giunta
Print Name
Research assistant to independent expert
Status relative to Retaining Party
MICRA, Inc.
Employer
1155 Connecticut Ave, Suite 900
Address Washington, DC 20036

APPENDIX A-2
PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg PA 17105-3265

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PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Investigation into the Obligations of
Incumbent Local Exchange Carriers to
Unbundle Network Elements

AA
Docket No. F-00031754
I-00030699

CONFIDENTIALITY AGREEMENT

TO WHOM IT MAY CONCERN:

The undersigned is the research assistant to an independent expert of ACI (retaining party) and is not, or has no knowledge or basis for believing that he/she is: (1) an officer, board member, stockholder, partner or owner other than stock of any competitor of _____ (producing party) or an employee of any competitor of the producing party who is primarily involved in the pricing, development, and/or marketing of products or services that are offered in competition with those of the producing party; or (2) an officer, board member, stockholder, partner, or owner than stock of any affiliate of a competitor of the producing party. (See ¶5 of Protective Order).

The undersigned has read the Protective Order and understands that it and this Confidentiality Agreement deal with the treatment of Proprietary Information and Highly Confidential Proprietary Information. The undersigned agrees to be bound by, and to comply with, the terms and conditions of said Protective Order as a condition of access to the Proprietary Information and Highly Confidential Proprietary Information. Further, the undersigned, if an independent expert, represents that he/she has complied with the provisions of ordering paragraph number 5(a)(ii) of the Protective Order prior to executing this Confidentiality Agreement.

DATE: 11/29/03

[Signature]
Signature
Anthony Giunta
Print Name
Research assistant to independent expert
Status relative to Retaining Party
MICRA, Inc.
Employer
1155 Connecticut Ave, Suite 900
Address Washington, DC 20036

APPENDIX A-2
PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg PA 17105-3265

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PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Investigation into the Obligations of
Incumbent Local Exchange Carriers to
Unbundle Network Elements

Docket No. 00031754

I-00030099

CONFIDENTIALITY AGREEMENT

TO WHOM IT MAY CONCERN:

The undersigned is the research assistant to an independent expert of ACI (retaining party) and is not, or has no knowledge or basis for believing that he/she is: (1) an officer, board member, stockholder, partner or owner other than stock of any competitor of _____ (producing party) or an employee of any competitor of the producing party who is primarily involved in the pricing, development, and/or marketing of products or services that are offered in competition with those of the producing party; or (2) an officer, board member, stockholder, partner, or owner than stock of any affiliate of a competitor of the producing party. (See ¶5 of Protective Order).

The undersigned has read the Protective Order and understands that it and this Confidentiality Agreement deal with the treatment of Proprietary Information and Highly Confidential Proprietary Information. The undersigned agrees to be bound by, and to comply with, the terms and conditions of said Protective Order as a condition of access to the Proprietary Information and Highly Confidential Proprietary Information. Further, the undersigned, if an independent expert, represents that he/she has complied with the provisions of ordering paragraph number 5(a)(ii) of the Protective Order prior to executing this Confidentiality Agreement.

DATE: 11/29/03

[Signature]
Signature
Anthony Giunta
Print Name
Research assistant to independent expert
Status relative to Retaining Party
MICRA, Inc.
Employer
1155 Connecticut Ave, Suite 900
Address Washington, DC 20036

SERVICE LIST

I hereby certify that I have this day caused a true copy of MCI's Confidentiality Agreements to be served upon the parties of record in Docket Nos. I-00030099, I-00030100, M-00031754 in accordance with the requirements of 52 Pa. Code Sections 1.52 and 1.54 in the manner and upon the parties listed below.

Dated in Washington, DC on November 24, 2003

VIA OVERNIGHT DELIVERY

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NOV 24 2005

Patricia Armstrong
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Phone – 717-255-7600

Julia Conover
Verizon
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Philadelphia, PA 19103
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PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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Hawke McKeon Sniscak & Kennard
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Washington, DC 20036
202-887-1248

Rick Hicks
Anderson Gulotta & Hicks, PC
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717-541-1194


Michelle Painter
Michelle Painter



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

November 24, 2003

IN REPLY PLEASE
REFER TO OUR FILE

James J. McNulty, Secretary
Pa. Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

ORIGINAL

Re: Investigation into the Obligations of Incumbent Local Exchange Carriers to
Unbundle Network Elements
Docket No. I-00030099

Development of an Efficient Loop Migration Process
Docket No. M-00031754

Dear Secretary McNulty:

DOCUMENT

Enclosed for filing at the above-captioned dockets are copies of the Confidentiality Agreements signed by the Office of Trial technical experts assigned to review this matter. Ordering Paragraph No. 7 of the Protective Order entered by the Commission at this docket requires that copies of any executed Confidentiality Agreement in this matter be filed with the Commission. Copies of these documents are also being provided to counsel of record.

If you have any questions, please contact the undersigned. Thank you for your attention to this matter.

Sincerely,

Kandace F. Melillo

Kandace F. Melillo
Prosecutor
Office of Trial Staff

Enclosures: 6
c: Parties of Record
ALJ Schnierle
ALJ Colwell

PA PUC
SECRETARY'S BUREAU

2003 NOV 24 PM 3:21

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APPENDIX A-2
PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg PA 17105-3265

ORIGINAL

Investigation into the Obligations of
Incumbent Local Exchange Carriers to
Unbundle Network Elements

Docket No. I-000300

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2003 NOV 24 PM 3:22
SECRETARY'S BUREAU
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CONFIDENTIALITY AGREEMENT

TO WHOM IT MAY CONCERN:

NOV 25 2003

The undersigned is the technical expert of the Office of Trial Staff (retaining party) and is not, or has no knowledge or basis for believing that he/she is: (1) an officer, board member, stockholder, partner or owner other than stock of any competitor of any party to this proceeding (producing party) or an employee of any competitor of the producing party who is primarily involved in the pricing, development, and/or marketing of products or services that are offered in competition with those of the producing party; or (2) an officer, board member, stockholder, partner, or owner than stock of any affiliate of a competitor of the producing party. (See ¶5 of Protective Order).

The undersigned has read the Protective Order and understands that it and this Confidentiality Agreement deal with the treatment of Proprietary Information and Highly Confidential Proprietary Information. The undersigned agrees to be bound by, and to comply with, the terms and conditions of said Protective Order as a condition of access to the Proprietary Information and Highly Confidential Proprietary Information. Further, the undersigned, if an independent expert, represents that he/she has complied with the provisions of ordering paragraph number 5(a)(ii) of the Protective Order prior to executing this Confidentiality Agreement.

DATE: 11/13/03

Timothy Wallick
Signature

Timothy Wallick
Print Name

technical expert manager
Status relative to Retaining Party

Pa PUC

Employer

PO Box 3265 Hbg, PA

Address

17105-3265

DOCUMENT

APPENDIX A-2
PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg PA 17105-3265

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PA PUBLIC
UTILITY
COMMISSION
SECRETARY'S BUREAU

Investigation into the Obligations of
Incumbent Local Exchange Carriers to
Unbundle Network Elements

Docket No. I-00030099

CONFIDENTIALITY AGREEMENT

DOCKETED
NOV 25 2003

TO WHOM IT MAY CONCERN:

The undersigned is the technical expert supervisor of the Office of Trial Staff (retaining party) and is not, or has no knowledge or basis for believing that he/she is: (1) an officer, board member, stockholder, partner or owner other than stock of any competitor of any party to this proceeding (producing party) or an employee of any competitor of the producing party who is primarily involved in the pricing, development, and/or marketing of products or services that are offered in competition with those of the producing party; or (2) an officer, board member, stockholder, partner, or owner than stock of any affiliate of a competitor of the producing party. (See ¶5 of Protective Order).

The undersigned has read the Protective Order and understands that it and this Confidentiality Agreement deal with the treatment of Proprietary Information and Highly Confidential Proprietary Information. The undersigned agrees to be bound by, and to comply with, the terms and conditions of said Protective Order as a condition of access to the Proprietary Information and Highly Confidential Proprietary Information. Further, the undersigned, if an independent expert, represents that he/she has complied with the provisions of ordering paragraph number 5(a)(ii) of the Protective Order prior to executing this Confidentiality Agreement.

DATE: 11/21/03

Gary L. Yocca
Signature
Gary L. Yocca
Print Name
technical expert supervisor
Status relative to Retaining Party
Pa PUC
Employer
PO Box 3265 Hbg, PA
Address 17105-3265

DOCUMENT

APPENDIX A-2
PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg PA 17105-3265

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Investigation into the Obligations of
Incumbent Local Exchange Carriers to
Unbundle Network Elements

Docket No. I-00030099

CONFIDENTIALITY AGREEMENT

DOCKETED

NOV 25 2003

TO WHOM IT MAY CONCERN:

The undersigned is the technical expert of the Office of Trial Staff (retaining party) and is not, or has no knowledge or basis for believing that he/she is: (1) an officer, board member, stockholder, partner or owner other than stock of any competitor of any party to this proceeding (producing party) or an employee of any competitor of the producing party who is primarily involved in the pricing, development, and/or marketing of products or services that are offered in competition with those of the producing party; or (2) an officer, board member, stockholder, partner, or owner than stock of any affiliate of a competitor of the producing party. (See ¶5 of Protective Order).

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DATE: 11/13/03

DOCUMENT

Joseph Kubas
Signature
Joseph Kubas
Print Name
technical expert
Status relative to Retaining Party
Pa PUC
Employer
PO Box 3265 Hbg, PA
Address
17105-3265

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Re: Investigation Into The Obligation :
Of Incumbent Local Exchange Carriers : Docket No.
To Unbundle Network Elements : I-00030099

Development Of An Efficient : Docket No. M-00031754
Migration Process

SECRETARY'S BUREAU

2003 NOV 24 PM 3:21

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CERTIFICATE OF SERVICE

I hereby certify that I am serving the foregoing **Letter**, dated
November 24, 2003 either personally, by first class mail, electronic mail, express
mail and/or by fax upon the persons listed below:

Barrett C. Sheridan, Esquire
Philip F. McClelland, Esquire
Office of Consumer Advocate
555 Walnut Street
Forum Place - 5th Floor
Harrisburg, PA 17101-1923

Mr. Roland L. Curry
1509 Mearns Meadow Boulevard
Austin, TX 78758

Mr. Robert Loube
10601 Cavalier Drive
Silver Spring, MD 20901

Ms. Melanie Lloyd
7501 Callbram Lane
Austin, TX 78736

Carol F. Pennington, Esquire
Angela T. Jones, Esquire
Office of Small Business Advocate
Commerce Building - Suite 1102
300 North 2nd Street
Harrisburg, PA 17101

Mr. Allen Buckalew
J. W. Wilson & Associates, Inc.
Rosslyn Plaza - C-Suite 1104
1601 Kent Street
Arlington, VA 22209

Pennsylvania Telephone Association
P.O. Box 1169
Harrisburg, PA 17108-1169

Ross A. Buntrock, Esquire
Genevieve Morelli, Esquire
Heather T. Hendrickson, Esquire
Kelley, Drye & Warren LLP
1200 19th Street, NW Suite 500
Washington, D.C. 20036

Zsuzsanna E. Benedek, Esquire
Sprint Communications Co. LP
240 North Third Street - Suite 201
Harrisburg, PA 17101

D. Mark Thomas, Esquire
Patricia Armstrong, Esquire
Regina L. Matz, Esquire
Thomas, Thomas, Armstrong
& Niesen
212 Locust Street
P.O. Box 9500
Harrisburg, PA 17108-9500

Alan C. Kohler, Esquire
Wolf Block Schorr & Solis-Cohen
Suite 300
Locust Court Building
212 Locust Street
Harrisburg, PA 17101

Norman C. Kennard, Esquire
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100 North Tenth Street
P.O. Box 1778
Harrisburg, PA 17105-1778

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Swidler Berlin Shereff Friedman LLP
3000 K Street NW
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Washington, DC 20007-5116

Julia A. Conover, Esquire
William B. Peterson, Esquire
Suzan DeBusk Paiva, Esquire
Verizon Communications
1717 Arch Street, 32 NW
Philadelphia, PA 19103

Robert C. Barber, Esquire
Mark A. Keffer, Esquire
AT&T Communications of PA
3033 Chain Bridge Road
Room 3-D
Oakton, VA 22185

Michelle Painter, Esquire
MCI WorldCom Network Services Inc.
1133 19th Street, NW
Washington, DC 20036

Enrico C. Soriano, Esquire
Steven A. Augustino, Esquire
Darius B. Withers, Esquire
Kelley Drye & Warren LLP
1200 19th Street NW
Washington, DC 22182

Robert A. Rosenthal, Director
Pa. Public Utility Commission
Bureau of Fixed Utility Services
P.O. Box 3265
Harrisburg, PA 17105-3265

Janet Tuzinski, Telecom Manager
Pa. Public Utility Commission
Bureau of Fixed Utility Services
P.O. Box 3265
Harrisburg, PA 17105-3265

Maryanne Martin, Esquire
Pa. Public Utility Commission
Law Bureau
P.O. Box 3265
Harrisburg, PA 17105-3265

Honorable Michael C. Schnierle
Administrative Law Judge
Pa. Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Honorable Susan D. Colwell
Administrative Law Judge
Pa. Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Kandace F. Melillo
Kandace F. Melillo
Prosecutor
Office of Trial Staff
Pa. Public Utility Commission

Dated: November 24, 2003
Docket No. I-00030099; M-00031754

2003 NOV 24 PM 3: 21
PA PUC
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RECEIVED



November 24, 2003

Via Overnight Delivery

Julia Conover, Esq.
Verizon Pennsylvania, Inc.
1717 Arch Street, 32nd Fl
Philadelphia, Pennsylvania 19103

DOCUMENT
FOLDER

RECEIVED

NOV 24 2003

PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Re: Investigation into the Obligations of Incumbent Local Exchange
Carriers to Unbundle Network Elements, Docket No. I-00030099

Dear Julie:

Please find enclosed MCI WorldCom Network Services, Inc.'s First Set of Interrogatories and Requests for Production of Documents addressed to Verizon Pennsylvania, Inc. in the above-referenced matter.

Please contact me if you have any questions or concerns with this matter.

Very truly yours,

A handwritten signature in cursive script that reads "Michelle Painter".

Michelle Painter

cc: James McNulty (Cover letter and Certificate of Service only)
Certificate of Service

Enclosure

SERVICE LIST

I - 00030099

I hereby certify that I have this day caused a true copy of MCI's First Set of Interrogatories and Requests for Production of Documents to Verizon Pennsylvania, Inc. to be served upon the parties of record in Docket Nos. I-00030099 in accordance with the requirements of 52 Pa. Code Sections 1.52 and 1.54 in the manner and upon the parties listed below.

DOCUMENT
FOLDER

Dated in Washington, DC on November 24, 2003

VIA E-MAIL AND OVERNIGHT DELIVERY

Patricia Armstrong
Thomas, Thomas, Armstrong & Niesen
212 Locust Street, Suite 500
Harrisburg, PA 17108
Phone - 717-255-7600

Julia Conover
Verizon
1717 Arch Street, 32N
Philadelphia, PA 19103
Phone - 717-963-6001

Kandace F. Melillo
Pennsylvania Public Utility Commission
Office of Trial Staff - 2nd Floor
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
Phone - 717-783-6155

Angela Jones
Office of Small Business Advocate
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Harrisburg, PA 17101
Phone - 717-783-2525

Alan Kohler
Wolf Block Schorr and Solis-Cohen
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Harrisburg, PA 17108
Phone - 717-237-7172

Robert C. Barber
AT&T
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Oakton, VA 22185
Phone - 703-691-6061

Phil McClelland
Office of Consumer Advocate
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Phone - 717-783-5048

John F. Povilaitis
Ryan, Russell, Ogden & Seltzer
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Harrisburg, PA 17102
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Phone - 717-236-6248

Philip Macres
Swidler Berlin Shereff Friedmann
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202-945-6915

Richard U. Stubbs
Cavalier Telephone Mid-Atlantic, LLC
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Warminster, PA 18974
(267)803-4002

Charis Burak
McNees, Wallace & Nurick
100 Pine Street
Harrisburg, PA 17108
Phone – 717 237 5437

Norman Kennard
Hawke McKeon Sniscak & Kennard
100 North Tenth St
Harrisburg, PA 17101

Sue Benedek
Sprint/United
204 North Third St, Suite 201
Harrisburg, PA 17101
Phone – 717-236-1385

Ross Buntrock
Kelley Dye & Warren
1200 19th Street, NW, Suite 500
Washington, DC 20036
202-887-1248

Rick Hicks
Anderson Gulotta & Hicks, PC
1110 N. Mountain Rd
Harrisburg, PA 17112
717-541-1194


Michelle Painter

November 25, 2003

Via Hand Delivery

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120

DOCUMENT

Re: Investigation into the Obligation of Incumbent Local Exchange Carriers to Unbundle Network Elements, Docket No. I-00030099

Development of an Efficient Loop Migration Process,
Docket No. M00031754

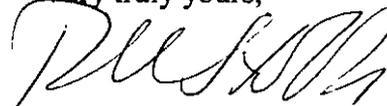
Investigation into the Obligation of Incumbent Local Exchange Carriers to Unbundle Local Circuit Switching for the Enterprise Market, Docket No. I-00030100

Dear Mr. McNulty:

Enclosed for filing are an original and three (3) copies of each Confidentiality Agreement executed on behalf of Cavalier Telephone Mid-Atlantic, LLC in the referenced matters.

Please do not hesitate to contact me if you have any questions.

Very truly yours,



Richard U. Stubbs
267.803.4002
rstubbs@cavtel.com

cc: The Honorable Michael C. Schnierle
The Honorable Susan Colwell
Service List

Enclosure

APPENDIX A-2
PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg PA 17105-3265

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JAN 07 2004

Investigation into the Obligations of
Incumbent Local Exchange Carriers to
Unbundle Network Elements

Docket No. I-00031754

I-00030099

SECRETARY'S BUREAU

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CONFIDENTIALITY AGREEMENT

TO WHOM IT MAY CONCERN:

The undersigned is the employee of Cavalier Telephone Mid-Atlantic (retaining party) and is not, or has no knowledge or basis for believing that he/she is: (1) an officer, board member, stockholder, partner or owner other than stock of any competitor of _____ (producing party) or an employee of any competitor of the producing party who is primarily involved in the pricing, development, and/or marketing of products or services that are offered in competition with those of the producing party; or (2) an officer, board member, stockholder, partner, or owner than stock of any affiliate of a competitor of the producing party. (See ¶5 of Protective Order).

The undersigned has read the Protective Order and understands that it and this Confidentiality Agreement deal with the treatment of Proprietary Information and Highly Confidential Proprietary Information. The undersigned agrees to be bound by, and to comply with, the terms and conditions of said Protective Order as a condition of access to the Proprietary Information and Highly Confidential Proprietary Information. Further, the undersigned, if an independent expert, represents that he/she has complied with the provisions of ordering paragraph number 5(a)(ii) of the Protective Order prior to executing this Confidentiality Agreement.

DATE: 11/24/03

Richard U. Stull
Signature
Richard U. Stull
Print Name
General Counsel
Status relative to Retaining Party
Cavalier Telephone Mid-Atlantic, LLC
Employer
965 Thomas Drive
Address
Warminster, PA 18974

DOCUMENT

APPENDIX A-2
PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg PA 17105-3265

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Investigation into the Obligations of
Incumbent Local Exchange Carriers to
Unbundle Network Elements

Docket No. I-00031754

I-00036099

CONFIDENTIALITY AGREEMENT

DOCKETED
JAN 07 2004

TO WHOM IT MAY CONCERN:

The undersigned is the Senior Counsel of Cavalier Telephone Mid-Atlantic, LLC (retaining party) and is not, or has no knowledge or basis for believing that he/she is: (1) an officer, board member, stockholder, partner or owner other than stock of any competitor of _____ (producing party) or an employee of any competitor of the producing party who is primarily involved in the pricing, development, and/or marketing of products or services that are offered in competition with those of the producing party; or (2) an officer, board member, stockholder, partner, or owner than stock of any affiliate of a competitor of the producing party. (See ¶5 of Protective Order).

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DATE: November 24, 2003



DOCUMENT

Stephen T. Perkins
Senior Counsel
Cavalier Telephone Mid-Atlantic, LLC
2134 West Laburnum Avenue
Richmond, Virginia 23227-4342

APPENDIX A-2
PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg PA 17105-3265

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I-00030099
Docket No. I-00031754

Investigation into the Obligations of
Incumbent Local Exchange Carriers to
Unbundle Network Elements

CONFIDENTIALITY AGREEMENT **DOCKETED**
07 2004

TO WHOM IT MAY CONCERN:

The undersigned is the employee of Cavalier Telephone (retaining party) and is not, or has no knowledge or basis for believing that he/she is: (1) an officer, board member, stockholder, partner or owner other than stock of any competitor of _____ (producing party) or an employee of any competitor of the producing party who is primarily involved in the pricing, development, and/or marketing of products or services that are offered in competition with those of the producing party; or (2) an officer, board member, stockholder, partner, or owner than stock of any affiliate of a competitor of the producing party. (See ¶5 of Protective Order).

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DOCUMENT

DATE: 11/24/03

Martin W. Clift, Jr.
Signature
Martin W. Clift, Jr.
Print Name
VP-Regulatory
Status relative to Retaining Party
Cavalier Telephone, LLC
Employer
2134 W. Laburnum Ave.
Address
Richmond, VA 23227-4342

SERVICE LIST

I hereby certify that I have this day served a true copy of this document by hand or by first class U.S. mail upon the participants listed below in accordance with 52 Pa. Code Section 1.54 (related to service by a participant) and 1.55 (related to service upon attorneys).

Dated in Warminster, Pennsylvania on November 25, 2003.

Julia A. Conover, Esq.
Verizon Pennsylvania Inc.
1717 Arch Street, 32N
Philadelphia, PA 19103

Barrett Sheridan, Esq.
Office of Consumer Advocate
555 Walnut Street, 5th Floor
Harrisburg, PA 17101

Sue Benedek, Esq.
Sprint Communications Co. LP
204 North Third St, Suite 201
Harrisburg, PA 17101

Alan Kohler, Esq.
Wolf Block et al.
212 Locust Street, Suite 300
Harrisburg, PA 17108

Robert C. Barber
AT&T & TCG
3033 Chain Bridge Road
Oakton, VA 22185

Michelle Painter, Esq.
MCI Worldcom Communication
1133 19th Street, NW
Washington, D.C. 20036

Kandace F. Melillo, Esq.
PA Public Utility Commission
Office of Trial Staff – 2nd Floor
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Angela Jones, Esq.
Office of Small Bus. Advocate
Suite 1102, Commerce Building
300 North Second Street
Harrisburg, PA 17101

PECO Hyperion Telecomm.
712 North Main Street
Coudersport, PA 16915

Focal Comm. Corp. of PA
200 North LaSalle St.
Suite 1100
Chicago, IL 60601

Comcast Phone of PA
188 Inverness Drive West
Englewood, OC 80112

RCN Telecom Services, Inc.
RCN of Philadelphia
105 Carnegie Center
Princeton, NJ 08540

Z-Tel Communications
601 S. Harbor Island Drive
Suite 220
Tampa, FL 33602

Christopher Hanifin
Choice One Commun. of PA, Inc.
2 Pine West Plaza, Suite 205
Washington Ave. Extension
Albany, NY 12205

Michael Romano, Esq.
Level 3 Communications LLC
8270 Greensboro Dr., Suite 900
McLean, VA 22102

Talk America Inc.
6805 Route 202
Hew Hope, PA 18938

Allegiance Telecom of PA Inc.
9201 North Central Expressway
Dallas, TX 75231

Adelphi Bus. Solution of PA Inc.
712 North Main Street
Coudersport, PA 16915

Intermedia Communications Inc.
6 Concourse Parkway
Suite 600
Atlanta, GA 30328

XO Pennsylvania Inc.
2690 Commerce Drive
Harrisburg, PA 17110

Penn Telecom Inc.
2710 Rochester Road
Cranberry Township, PA 16066

CTC Communications Corp.
115 Second Avenue
Waltham, MA 02154

CEI Networks
441 Science Park Road
State College, PA 16803-2217

CTSI
3950 Chambers Hill Road
Harrisburg, PA 17111

Metro Teleconnect
2150 Herr Street
Harrisburg, PA 17103


Richard U. Stubbs

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171100
SECRETARY'S BUREAU

ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Investigation into the Obligations of)
Incumbent Local Exchange Carriers to)
Unbundle Network Elements)

Docket No. I-00030099

PA PUC
SECRETARY'S BUREAU

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PREHEARING MEMORANDUM OF
CAVALIER TELEPHONE MID-ATLANTIC, LLC

Pursuant to 52 Pa. Code Section 5.222, Cavalier Telephone Mid-Atlantic, LLC

("Cavalier") submits this Prehearing Memorandum in the above-captioned matter.

I. INTRODUCTION

All correspondence, notices, documents, orders or other communications with respect to the above-captioned proceeding should be addressed to Richard U. Stubbs, General Counsel at the following address:

Richard U. Stubbs
General Counsel
Cavalier Telephone Mid-Atlantic, LLC
965 Thomas Drive
Warminster, PA 18974
267.803.4002
rstubbs@cavtel.com

DOCKETED
JAN 07 2004

DOCUMENT

II. ISSUES

Cavalier's primary focus in this matter is upon the unbundling obligation of Verizon with respect to DS1, DS3 and dark fiber transport facilities in southeastern Pennsylvania. In this regard, Verizon has limited its case to a claim that the FCC's "self-provisioning" and "competitive wholesale activities" triggers have been satisfied for some number of routes.

Cavalier is nonetheless willing to participate with respect to all issues encompassed in the captioned matter.

III. DISCOVERY

Cavalier agrees with the recommendations of MCI WorldCom Network Services, Inc. with respect to an abbreviated or expedited discovery schedule in this matter.

III. WITNESSES

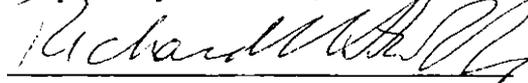
Cavalier intends to present the testimony of one or more witnesses in this proceeding concerning matters raised in Verizon Pennsylvania Inc.'s Petition to Initiate Proceedings, as well as additional matters raised by other parties in this case. Such witnesses include, without limitation, the following:

1. James Vermeulen, Director of Engineering

IV. SCHEDULE

Cavalier is generally agreeable with the various scheduling proposals proffered to date, but notes that its above-designated witness is unavailable the weeks of December 22-26, 2003, and January 16-23, 2004.

Respectfully Submitted,



Richard U. Stubbs
General Counsel
Cavalier Telephone Mid-Atlantic, LLC
965 Thomas Drive
Warminster, PA 18974
267.803.4002
rstubbs@cavtel.com

Dated: November 25, 2003

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2003 NOV 25 AM 11:53
SECRETARY'S BUREAU

Suzan DeBusk Paiva
Assistant General Counsel
Law Department

ORIGINAL
verizon

Verizon Pennsylvania Inc.
1717 Arch Street, 32NW
Philadelphia, PA 19103

Tel: (215) 963-6068
Fax: (215) 563-2658
Suzan.D.Paiva@Verizon.com

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November 25, 2003

VIA UPS OVERNIGHT DELIVERY

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Re: Investigation into the Obligation of Incumbent Local
Exchange Carriers to Unbundle Network Elements
Docket No. I-00030099

A PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

To All Parties In Docket No. I-00030099:

Enclosed please find Verizon Pennsylvania Inc.'s First Set of Interrogatories to CLEC Parties in the above-captioned matter. The CLECs to whom this discovery is directed are identified in the attached document.

Please do not hesitate to contact me if you have questions about this matter.

Very truly yours,



Suzan D. Paiva

SDP/slb
Enc.

cc: Via UPS Overnight Delivery
Secretary James J. McNulty (cover and certificate only)
Honorable Michael Schnierle
Honorable Susan Colwell
Attached Certificate of Service

CERTIFICATE OF SERVICE

I, Suzan DeBusk Paiva, hereby certify that I have this day served a copy of Verizon Pennsylvania Inc.'s First Set of Interrogatories to CLEC Parties, upon the participants listed below in accordance with the requirements of 52 Pa. Code Section 1.54 (related to service by a participant) and 1.55 (related to service upon attorneys).

Dated at Philadelphia, Pennsylvania, this 25th day of November, 2003.

VIA E-MAIL AND UPS OVERNIGHT DELIVERY

Patricia Armstrong, Esquire
Regina L. Matz, Esquire
Thomas, Thomas, Armstrong
& Niesen
212 Locust Street, Suite 500
Harrisburg, PA 17108
Counsel for RTCC

Genevieve Morelli, Esquire
Ross Buntrock, Esquire
Heather Hendrickson, Esquire
Kelley Drye & Warren LLP
1200 19th Street, N.W., Suite 500
Washington, DC 20036
Counsel for Broadview, BullsEye,
ARC/InfoHighway, McGraw, Met Tel
and Talk America

Enrico Soriano, Esquire
Steven A. Augustino, Esquire
Darius Withers, Esquire
Kelley Drye & Warren LLP
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Focal, SNiP LiNK and XO

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Washington, DC 20036
Counsel for MCI

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Counsel for PTA

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Daniel Clearfield, Esquire
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212 Locust Street, Suite 300
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Counsel for ATX, Full Service Network,
Line Systems Inc., Remi Retail and
Comcast

Russell Blau, Esquire
Robyn Cohn, Esquire
Tamar Finn, Esquire
Philip J. Macres, Esquire
Swidler Berlin Shereff Friedman, LLP
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Washington, DC 20007-5116
Counsel for RCN and Lightship

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Barrett Sheridan, Esquire
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Harrisburg, PA 17101-1923

Kandace Melillo, Esquire
Office of Trial Staff
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

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A PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Sue Benedek, Esquire
Sprint Communications Co. LP
240 North Third Street
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Counsel for Sprint

Richard U. Stubbs, Esquire
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965 Thomas Drive
Warminster, PA 18974
Counsel for Cavalier

Debra Kriete, Esquire
Rhoads & Sinon LLP
One South Market Street, 12th Floor
Harrisburg, PA 17108-1146
Counsel for Allegiance

Robert C. Barber, Esquire
AT&T Communications of PA
3033 Chain Bridge Road
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Counsel for AT&T

Renardo L. Hicks, Esquire
Anderson, Gulotta & Hicks, P.C.
1110 N. Mountain Road
Harrisburg, PA 17112
Counsel for Penn Telecom



Suzan DeBusk Paiva
Verizon Pennsylvania Inc.
1717 Arch Street, 32NW
Philadelphia, PA 19103
(215) 963-6068

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF SMALL BUSINESS ADVOCATE

Suite 1102, Commerce Building
300 North Second Street
Harrisburg, Pennsylvania 17101

William R. Lloyd, Jr.
Small Business Advocate

November 25, 2003

03 NOV 25 2003 8:57
SECRETARY'S BUREAU
(717) 783-2525
(717) 783-2831 (FAX)

E-mail and First Class Mail

Hon. Michael Schnierle
Administrative Law Judge
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Hon. Susan D. Colwell
Administrative Law Judge
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

**Re: Investigation into the Obligations of Incumbent Local Exchange
Carriers to Unbundle Network Elements
Docket No. I-00030099**

DOCUMENT

Dear Judges Schnierle and Colwell:

In anticipation of the Prehearing Conference scheduled for today at 10:00 am, I am enclosing a copy of the Prehearing Memorandum on behalf of the Office of Small Business Advocate.

As evidenced by the enclosed certificate of service, all parties have been served as indicated.

Sincerely,

A handwritten signature in cursive script that reads "Angela T. Jones".

Angela T. Jones
Assistant Small Business Advocate

Enclosures

cc: James J. McNulty, Secretary
(W/enclosures)
Parties of Record
Mr. Allen Buckalwew

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

INVESTIGATION INTO THE OBLIGATION OF :
INCUMBENT LOCAL EXCHANGE CARRIERS : Docket No. I-00030099
TO UNBUNDLE NETWORK ELEMENTS :

OFFICE OF SMALL BUSINESS ADVOCATE
PREHEARING MEMORANDUM

DOCKETED
JAN 07 2004

I. INTRODUCTION

PREHEARING

The Office of Small Business Advocate (OSBA) is authorized to represent the interests of small business consumers of utility services before the Pennsylvania Public Utility Commission pursuant to the provisions of the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§399.41 - 399.50 ("the Act"). In order to discharge this statutory duty, the Small Business Advocate deems it necessary to participate as a party to this proceeding. Representing the OSBA in this matter is Assistant Small Business Advocate Angela T. Jones. Please address all correspondence as follows:

Angela T. Jones, Esquire
Office of Small Business Advocate
Suite 1102, Commerce Building
300 North Second Street
Harrisburg, Pennsylvania 17101
(717) 783-2525
(717) 783-2831 (fax)
E-mail: anjones@state.pa.us

II. FILING BACKGROUND

On August 21, 2003, the Federal Communications Commission (“FCC”) issued its Triennial Review Order (“TRO”) regarding the unbundling obligations of incumbent local exchange carriers (“ILECs”). The FCC concluded that the competitive local exchange carriers (“CLECs”) are impaired without access to unbundled high capacity loops, unbundled local switching for mass markets, and unbundled transport. ILECs are given an opportunity to rebut this presumption of impairment in a nine-month state commission proceeding using certain defined criteria for granular analysis.

On October 3, 2003, the Pennsylvania Public Utility Commission (“Pa PUC” or “Commission”) entered a Procedural Order articulating procedures to be followed to implement the TRO regarding, *inter alia*, this proceeding. The Commission tentatively concluded in its Procedural Order, that there is impairment in Pennsylvania following the presumptive national finding by the FCC. ILECs were given the opportunity within the nine-month proceeding to challenge this presumption but bear the burden of proof. A Petition to Initiate Proceeding with the Commission, at Docket No. I-00030099, on or before October 31, 2003, was instructed to be filed by any ILEC seeking review of its unbundling obligations.

On October 31, 2003, Verizon filed its Petition to Initiate Proceedings with the Pa PUC requesting a nine-month proceeding regarding several of its unbundling obligations. Verizon alleged that it met the required FCC criteria for non-impairment concerning unbundled switching in Density Cells 1, 2, and 3 in the areas of Philadelphia, Pittsburgh, Harrisburg, Allentown, Reading, Scranton/Wilkes Barre, and Lancaster Metropolitan Statistical Areas. Verizon also contends that it has met the FCC criteria for 644 direct routes through testimony provided accompanying its Petition.

Several CLECs have sought intervention and the OCA, OTS and several CLECs have filed Answers opposing Verizon's Petition. On October 17, 2003, the OSBA filed its Notice of Intervention to participate in this proceeding in accordance with the Commission Procedural Order.

III. IDENTIFICATION OF WITNESSES AND TENTATIVE ISSUES

Assisting in the development and presentation of the OSBA's case in this proceeding will be:

Mr. Allen Buckalew
J.W. Wilson & Associates, Inc.
Rosslyn Plaza C- Suite 1104
1601 North Kent Street
Arlington, VA 22209
(703) 243-1049
(703) 243-3389 (fax)

The OSBA will participate in the case to assure that the interests of small business customers of Commonwealth are adequately represented and protected in this proceeding.

As appropriate and necessary, the OSBA will investigate and analyze the claims and proposals of the Company and other parties, setting forth the OSBA's positions through the presentation of testimony by its expert witness and via the cross-examination of witnesses appearing for other parties and briefing of the issues that arise in this proceeding. Preliminarily the OSBA is concerned that the specific triggers are identified adequately; the defined geographic areas identified clearly and accurately for each market; the cross-over point is clearly and adequately defined and is just and reasonable; and Verizon has met its burden of proof with respect to the aforementioned concerns. The OSBA reserves the right to pursue additional issues as they arise throughout the proceeding.

IV. DISCOVERY

The OSBA agrees with MCI that shortened discovery rules are necessary and recommended. The OSBA accepts the discovery changes are recommended by both MCI and OTS.

V. SETTLEMENT

The OSBA has not participated in any settlement negotiations to date. The OSBA understands that PCC assesses settlement as remote.

VI. HEARING AND BRIEFING SCHEDULE

The OSBA agrees with the sentiments expressed by MCI and the proposed schedule of PCC. The OSBA also agrees with the caveats proposed by OTS regarding electronic mail acceptable as in-hand service.

Respectfully submitted,



Angela T. Jones
Assistant Small Business Advocate

Dated: November 25, 2003

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Investigation into the Obligations of :
Incumbent Local Exchange Carriers to : **Docket No. I-00030099**
Unbundle Network Elements :

CERTIFICATE OF SERVICE

I certify that I am serving a copy of the Prehearing Memorandum on behalf of the Office of Small Business Advocate by e-mail and first class mail upon the persons addressed below:

Hon. Michael Schnierle
Administrative Law Judge
Pennsylvania Public Utility Commission
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Harrisburg, PA 17105-3265
(hand delivered)

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Administrative Law Judge
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(717) 541-5434 (fax)



Angela T. Jones
Assistant Small Business Advocate

Date: November 25, 2003



**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Office Of Administrative Law Judge
P.O. Box 3265, Harrisburg, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

November 25, 2003

In Re: **I-00030099**

(See letter dated 11/17/2003)

Incumbent Local Exchange Carriers

Investigation into the obligations of Incumbent Local Exchange Carriers to Unbundle Network Elements.

NOTICE

This is to inform you that hearings on the above-captioned case will be held as follows:

Type: Initial and Further Hearings

Date: Monday, January 26, ²⁰⁰⁴ ~~2994~~ at 10:00 a.m. in Hearing Room Number 1
Tuesday-Wednesday, January 27-28 2004 at 9:00 a.m. in Hearing Room Number 1
Thursday, January 29, 2004 at 9:00 a.m. in Hearing Room Number 4

Presiding: Administrative Law Judge Michael C. Schnierle
Administrative Law Judge Susan D. Colwell
P.O. Box 3265
Harrisburg, PA 17105-3265
Telephone: (717) 783-5452
Fax: (717) 787-0481

Attention: You may lose the case if you do not come to this hearing and present facts on the issues raised.

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FOLDER

DOCKETED
JAN 05 2004

If you intend to file exhibits, 2 copies of all hearing exhibits to be presented into evidence must be submitted to the reporter. An additional copy must be furnished to the Presiding Officer. A copy must also be provided to each party of record.

Individuals representing themselves do not need to be represented by an attorney. All others (corporation, partnership, association, trust or governmental agency or subdivision) must be represented by an attorney. An attorney representing you should file a Notice of Appearance before the scheduled hearing date.

If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call the scheduling office at the Public Utility Commission:

- Scheduling Office: 717-787-1399.
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1-800-654-5988.

pc: Judge Schnierle
Steve Springer, Scheduling Officer
Beth Plantz
Docket Section
Calendar File

Julia A. Conover
Vice President and General Counsel
Pennsylvania



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NOV 26 2003

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SECRETARY'S BUREAU

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Julia.A.Conover@Verizon.com

November 26, 2003

VIA OVERNIGHT MAIL

James J. McNulty
Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

DOCKETED
JAN 07 2004

Re: *Investigation into the Obligation of Incumbent Local Exchange Carriers to Unbundle Network Elements*, Docket No. I-00030099

Dear Mr. McNulty:

DOCUMENT

The Petition to Initiate filed on October 31, 2003 was captioned "Verizon Pennsylvania Inc.'s Petition to Initiate Proceedings." By this letter we are amending that title to state "Verizon Pennsylvania Inc.'s and Verizon North Inc.'s Petition to Initiate Proceedings." Similarly, in the text of the Petition the term "Verizon" should be defined to include "Verizon Pennsylvania Inc. and Verizon North Inc." Finally, the cover sheet and the header to Statement 1.0 Direct Testimony of Debra M. Berry and Carlo Michael Peduto, II is amended to state "Verizon Pennsylvania Inc. and Verizon North Inc." (this change will be made in the copies of the testimony submitted for the record at the hearing in this proceeding). There is no change to the substance of the Petition, Testimony or Exhibits.

These amendments are being made in response to an issue raised at the prehearing conference on November 25, 2003. To be clear, Verizon has provided evidence and is seeking a finding of no impairment for *all* Verizon affiliated territory located in Density Cells 1, 2 or 3 in any of the seven Metropolitan Statistical Areas ("MSAs") identified in the testimony and exhibits. To the extent Verizon North has territory located in one of the identified MSAs in Density Cell 3 (Verizon North does not have Density Cells 1 and 2) then this territory is included in the request for relief.

Verizon of course reserves the right to present additional evidence based on the information produced by the other parties in discovery, including any relevant evidence that might come to light relating to Verizon North territory.

Very truly yours,


Julia A. Conover

Cc: The Honorable Michael C. Schnierle
The Honorable Susan D. Colwell
Attached Certificate of Service

114

CERTIFICATE OF SERVICE

I, Julia A. Conover,, hereby certify that I have this day served a copy of Verizon's Letter to Secretary McNulty, upon the participants listed below in accordance with the requirements of 52 Pa. Code Section 1.54 (related to service by a participant) and 1.55 (related to service upon attorneys).

Dated at Philadelphia, Pennsylvania, this 26th day of November, 2003.

VIA E-MAIL AND UPS OVERNIGHT DELIVERY

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NOV 26 2003

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Julia A. Conover

Julia A. Conover
Verizon Pennsylvania Inc.
1717 Arch Street, 32NW
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(215) 963-6001

OALJ Hearing Report

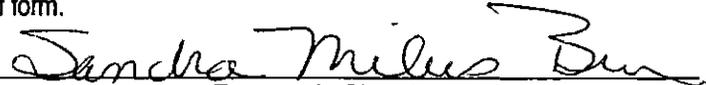
Please Check Those Blocks Which Apply

Docket No.:	I-00030099		YES	NO
		Prehearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Case Name:	Incumbent Local Exchange Carriers	Hearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Testimony Taken:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	DOCUMENT FOLDER	Transcript Due:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Hearing Concluded:	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Location:	HBG	Further Hearing Needed:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Estimated Add'l Days:	5	
Date:	November 25, 2003			
		RECORD CLOSED:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ALJ:	Michael C. Schnierle & Susan D. Colwell	DATE:		
		Briefs to be Filed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Reporting Firm:	Commonwealth Reporting	DATE:		
		Bench Decision:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		REMARKS:	Jan. 26, 27, 28, 29, 30 in Harrisburg. -1/26 at 10am, all other days at 9am	

PLEASE PRINT CLEARLY - Incomplete information may result in delay of processing.

Name and Telephone Number	Address	Who are you representing?
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Michelle Painter Telephone: 202-736-6204	1133 19th St NW City: Washington State: DC Zip: 20036	MCI

Check this box if additional parties or attendees appear on back of form.


 Reporter's Signature

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Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.

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Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.



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November 26, 2003

VIA ELECTRONIC AND OVERNIGHT MAIL

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DOCUMENT
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2003 NOV 26 PM 3:31
SECRETARY'S BUREAU

RECEIVED

Re: Investigation into the Obligations of Incumbent Local
Exchange Carriers to Unbundle Network Elements
Docket No. I-00030099

Dear Counsel:

On behalf of Sprint Communications Company, L.P. ("Sprint"), enclosed please find an original and two (2) copies of Sprint's First Set of Interrogatories to Verizon Pennsylvania Inc. ("Verizon").

If you have substantive questions regarding Set I, please do not hesitate to call.

Sincerely,

Sue Benedek

ZEB/jh

cc: James J. McNulty, Secretary (*via hand delivery*)
Certificate of Service (*via first-class mail and electronic mail (as specified on Certificate)*)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Investigation into the Obligations of)
Incumbent Local Exchange Carriers to) Docket No. I-00030099
Unbundle Network Elements)

CERTIFICATE OF SERVICE

I hereby certify that I have this 26th day of November, 2003, served, via first-class mail, unless indicated with an asterisk for service also by electronic means, a true copy of the foregoing Interrogatories upon the persons below, in accordance with the requirements of 52 Pa. Code §1.54:

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* via electronic mail

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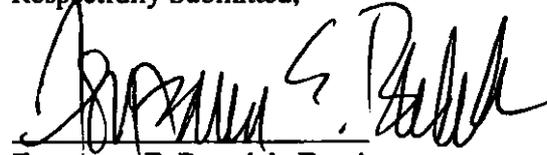
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